

THURSDAY, MAY 6, 2004

EIGHTY-SEVENTH LEGISLATIVE DAY

CALL TO ORDER

The Senate met at 10:30 a.m., and was called to order by Mr. Speaker Wilder.

PRAYER

The proceedings were opened with prayer by Reverend Jeff Lane of Cumberland Baptist Church in Knoxville, Tennessee, a guest of Senator Atchley.

PLEDGE OF ALLEGIANCE

Senator Atchley led the Senate in the Pledge of Allegiance to the Flag.

ROLL CALL

The roll call was taken with the following results:

Present 30

Senators present were: Atchley, Bryson, Burchett, Burks, Clabough, Cohen, Cooper, Crutchfield, Dixon, Ford, Fowler, Graves, Harper, Haynes, Henry, Herron, Jackson, Kilby, Kurita, Kyle, McLeary, McNally, Miller, Norris, Person, Ramsey, Southerland, Trail, Williams and Mr. Speaker Wilder--30.

STANDING COMMITTEE REPORTS

FINANCE, WAYS AND MEANS

MR. SPEAKER: Your Committee on Finance, Ways and Means begs leave to report that we have carefully considered and recommend for passage: Senate Bills Nos. 126 with amendments, 2051, 2060, 2077 with amendment, 2240, 2266, 2279, 2285, 2373, 2581, 2630 with amendment, 2801, 2951, 2979 with amendment, 2992, 3045, 3112, 3170, 3225 with amendment, 3289, 3296, 3412, 3419 with amendment, 3430 with amendment and 3454 with amendment; and Senate Joint Resolution No. 975.

HENRY, Chairperson
May 4, 2004

The Speaker announced that he had referred Senate Bills Nos. 126 with amendments, 2051, 2060, 2077 with amendment, 2240, 2266, 2279, 2285, 2373, 2581, 2630 with amendment, 2801, 2951, 2979 with amendment, 2992, 3045, 3112, 3170, 3225 with amendment, 3289, 3296, 3412, 3419 with amendment, 3430 with amendment and 3454 with amendment; and Senate Joint Resolution No. 975 to Committee on Calendar.

STATE AND LOCAL GOVERNMENT

MR. SPEAKER: Your Committee on State and Local Government begs leave to report that we have carefully considered and recommend for passage: Senate Bill No. 2273 with amendment; and Senate Joint Resolution No. 996.

COHEN, Chairperson
May 4, 2004

The Speaker announced that he had referred Senate Bill No. 2273 with amendment; and Senate Joint Resolution No. 996 to Committee on Calendar.

JUDICIARY

MR. SPEAKER: Your Committee on Judiciary begs leave to report that we have carefully considered and recommend for passage: Senate Bills Nos. 1083 with amendment, 2246, 2291 with amendment, 2318 with amendment, 2602 with amendment, 2693 with amendment, 2785 with amendment, 2966 with amendment and 3317 with amendment; also, recommend that Senate Bills Nos. 1561 with amendments, 2193, 2922 with amendment, 3021 with amendment, 3364 with amendment and 3390 with amendment; and Senate Joint Resolution No. 887 be referred to Committee on Finance, Ways and Means.

PERSON, Chairperson
May 4, 2004

The Speaker announced that he had referred Senate Bills Nos. 1083 with amendment, 2246, 2291 with amendment, 2318 with amendment, 2602 with amendment, 2693 with amendment, 2785 with amendment, 2966 with amendment and 3317 with amendment to Committee on Calendar.

The Speaker announced that he had referred Senate Bills Nos. 1561 with amendments, 2193, 2922 with amendment, 3021 with amendment, 3364 with amendment and 3390 with amendment; and Senate Joint Resolution No. 887 to Committee on Finance, Ways and Means.

EDUCATION

MR. SPEAKER: Your Committee on Education begs leave to report that we have carefully considered and recommend for passage: Senate Bills Nos. 2866 with amendment and 3380 with amendment; also, recommend that Senate Bills Nos. 2256 and 3297 be referred to Committee on Finance, Ways and Means.

McNALLY, Chairperson
May 5, 2004

The Speaker announced that he had referred Senate Bills Nos. 2866 with amendment and 3380 with amendment to Committee on Calendar.

The Speaker announced that he had referred Senate Bills Nos. 2256 and 3297 to Committee on Finance, Ways and Means.

ENVIRONMENT, CONSERVATION AND TOURISM

MR. SPEAKER: Your Committee on Environment, Conservation and Tourism begs leave to report that we have carefully considered and recommend for passage: Senate Bills Nos. 69 with amendments, 1566 with amendment, 2452 with amendment, 3015 with amendment, 3409 with amendment and 3460; also, recommend that Senate Bills Nos. 2167 with amendment, 3410 with amendments and 3413 with amendments be referred to Committee on Finance, Ways and Means.

MILLER, Chairperson
May 5, 2004

The Speaker announced that he had referred Senate Bills Nos. 69 with amendments, 1566 with amendment, 2452 with amendment, 3015 with amendment, 3409 with amendment and 3460 to Committee on Calendar.

The Speaker announced that he had referred Senate Bills Nos. 2167 with amendment, 3410 with amendments and 3413 with amendments to Committee on Finance, Ways and Means.

GOVERNMENT OPERATIONS

MR. SPEAKER: Your Committee on Government Operations begs leave to report that we have carefully considered and recommend for passage: Senate Bill No. 2479.

HARPER, Chairperson
May 5, 2004

The Speaker announced that he had referred Senate Bill No. 2479 to Committee on Calendar.

FINANCE, WAYS AND MEANS

MR. SPEAKER: Your Committee on Finance, Ways and Means begs leave to report that we have carefully considered and recommend for passage: Senate Bills Nos. 2419 with amendment, 2423 and 3288 with amendment; and House Joint Resolution No. 887 with amendment.

HENRY, Chairperson
May 6, 2004

The Speaker announced that he had referred Senate Bills Nos. 2419 with amendment, 2423 and 3288 with amendment; and House Joint Resolution No. 887 with amendment to Committee on Calendar.

REPORT OF COMMITTEE ON DELAYED BILLS

Pursuant to Rule 27, the following bill was reported out of Committee on Delayed Bills: Senate Bill No. 3516.

WILDER, Chairperson
May 6, 2004

The Speaker announced that he had referred Senate Bill No. 3516 to the Clerk's desk.

INTRODUCTION OF BILLS

The Speaker announced that the following bills were filed for introduction and passed first consideration:

Senate Bill No. 3512 by Senator Beavers.

Lebanon -- Subject to local approval, authorizes the hiring of outside legal counsel, requires the mayor pro tem and the city's commissioner of finance to meet on a monthly basis regarding the city's fiscal matters if requested by city council and requires the mayor pro tem to report the results of such review to the city council, and authorizes the city council to regulate the posting and publishing of statements and comments on the city's Web site or other means of communications paid for by the city. Amends Chapter 644 of the Private Acts of 1911; as amended.

Senate Bill No. 3513 by Senator Jackson.

Lawrence County -- Subject to local approval, transfers juvenile court clerking duties from county clerk to circuit court clerk and transfers probate court clerking duties from county clerk to clerk and master. Amends Chapter 311 of the Acts of 1901; as amended.

Senate Bill No. 3514 by Senator Jackson.

Giles County -- Subject to local approval, transfers, effective July 1, 2004, probate jurisdiction from general sessions court to chancery court and clerk's duties over probate matters from county clerk to clerk and master. Amends Chapter 158 of the Private Acts of 1973; as amended.

Senate Bill No. 3515 by Mr. Speaker Wilder.

Saltillo -- Subject to local approval, extends four-year term of mayor and aldermen elected at August 2003 election to expire when successors are elected and qualified at November 2008 election; requires all elections be held every four years at time of regular November election. Amends Chapter 699 of the Private Acts of 1951; as amended.

Senate Bill No. 3516 by Senator Kurita.

Cheatham County -- Allows constables in Cheatham County to use blue flashing emergency lights, either alone or in combination with red flashing emergency lights, in their motor vehicles when they are wearing law enforcement uniforms approved by the county's governing body. Amends TCA Section 55-9-414.

Senate Bill No. 3517 by Senator Crutchfield.

Hamilton County -- Subject to local approval, deletes language which authorized the county legislative body of Hamilton County to assist the general sessions court by appointing judicial commissioners. Amends Chapter 192 of the Private Acts of 1996.

Senate Bill No. 3518 by Senator Norris.

Garland -- Subject to local approval, changes town election from April to November and removes references to city marshal. Amends Chapter 35 of the Private Acts of 1913; as amended.

Senate Bill No. 3519 by Senator Herron.

Lexington -- Subject to local approval, rewrites charter. Repeals Chapter 402 of the Acts of 1901, as amended.

Senate Bill No. 3520 by Senator Burks.

Putnam County -- Subject to local approval, redesignates title of "county mayor" to "county executive".

Senate Bill No. 3521 by Senator Kilby.

Rhea County -- Subject to local approval, repeals private act so that title of chief executive officer of county is "county executive" instead of "county mayor".

HOUSE BILLS ON FIRST CONSIDERATION

The Speaker announced that the following House Bills were transmitted to the Senate and passed first consideration:

House Bill No. 39 -- Sewage -- Requires installation of approved effluent filter for each new subsurface sewage disposal system that utilizes pump for distribution delivery of effluent to disposal system. Amends TCA Title 68, Chapter 221, Part 4.

House Bill No. 2156 -- Lottery, Corporation -- Removes requirements that retailer contracts be renewable annually. Amends TCA Title 4, Chapter 51.

House Bill No. 2336 -- Health Care -- Extends provisions of Obesity Study and Prevention Act of 2002 from 2004 to 2008. Amends TCA Title 7; Title 9; Title 48; Title 49; Title 56; Title 68; Title 71 and Chapter 658 of the Public Acts of 2002.

House Bill No. 2343 -- Aged Persons -- Enacts "Elder Tennesseans Protection Act of 2004". Amends TCA Title 3; Title 4; Title 29; Title 39; Title 40; Title 63; Title 68 and Title 71.

House Bill No. 2356 -- Notary Public -- Clarifies law regarding notaries public. Amends TCA Title 8, Chapter 16 and Section 8-21-201.

House Bill No. 2502 -- Naming and Designating -- Renames the Middle Tennessee Reception Center in honor of Charles B. Bass, formerly of the Department of Correction.

House Bill No. 2565 -- Taxes, Litigation -- Allows counties, by two-thirds vote, to set and collect a litigation tax on litigation in general sessions, juvenile and municipal courts in that county to be used to fund a not-for-profit drug testing program in public schools. Amends TCA Title 67, Chapter 4.

House Bill No. 2629 -- Law Enforcement -- Encourages law enforcement agencies to open their shooting ranges to the public when such ranges are not being used by law enforcement personnel; allows agency to charge reasonable fee to public users. Amends TCA Title 38, Chapter 8, Part 1.

House Bill No. 2639 -- Probate Law -- Revises certain provisions relative to gifts, estates, and probate. Amends TCA Title 30; Title 31; Title 32; Title 34; Title 35 and Title 67.

House Bill No. 2653 -- Criminal Procedure -- Allows non-violent felony offenders automatic restoration of voting rights upon pardon, completion of sentence or being granted final release from incarceration or supervision. Amends TCA Title 40, Chapter 29, Part 1.

House Bill No. 2659 -- Criminal Procedure -- Allows local law enforcement agencies and clerks of court to create process for electronic submission of final dispositions for criminal cases to Tennessee Bureau of Investigations. Amends TCA Section 8-4-115.

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House Bill No. 2666 -- Child Custody and Support -- Establishes specific examples of what a "material change in circumstance" means for purposes of modifying a court's prior decree pertaining to a residential parenting arrangement.

House Bill No. 2672 -- Tennessee Wildlife Resources Agency -- Exempts residents of counties in which the Sundquist wildlife management area lies from paying special use fee for horseback riding, bicycling, and off-highway vehicle use. Amends TCA Title 70.

House Bill No. 2730 -- Civil Procedure -- Urges Supreme Court to amend Rule 45 of the Rules of Civil Procedure to add explicit language to subpoenas that state the party must appear or face potential contempt of court charges and penalties for such contempt of court. Amends TCA Title 16, Chapter 3, Part 4; Title 20 and Title 24.

House Bill No. 2742 -- Courts, General Sessions -- Establishes procedure for general sessions courts to correct judgment or order due to mistake or fraud or because judgment is void, satisfied, discharged or reversed. Amends TCA Title 16, Chapter 15.

House Bill No. 2762 -- Alcoholic Beverage Commission -- Increases privilege tax for licenses; allows commission to retain money collected from licensure fees instead of such money being deposited with state treasurer. Amends TCA Section 57-3-203; Section 57-3-204; Section 57-3-206; Section 57-3-207; Section 57-3-605; Section 57-4-102 and Section 57-4-301.

House Bill No. 2783 -- Education -- Promotes sale of nutritious foods before and during school hours to K-8 students and prohibits sale of foods of minimum nutritional value during such times. Amends TCA Title 49, Chapter 6, Part 23.

House Bill No. 2848 -- Child Custody and Support -- Enacts Protective Parent Reform Act, which addresses custody of abused children. Amends TCA Section 36-6-111.

House Bill No. 2853 -- Education, Higher -- Requires university foundations to adopt codes of ethics and provides procedure for removal of foundation board members who violate such codes. Amends TCA Section 49-7-107.

House Bill No. 3005 -- Insurance, Health, Accident -- Establishes a VolunteerCare Health Insurance Program as part of comprehensive statewide healthcare reform. Amends TCA Title 3; Title 4; Title 9; Title 33; Title 56; Title 68 and Title 71.

House Bill No. 3099 -- Alcoholic Beverages -- Authorizes retailers of alcoholic beverages to conduct consumer educational sampling and tastings on the premises of a retailer in certain circumstances. Amends TCA Section 57-3-204; Section 57-3-404(h) and Section 57-3-406(f).

House Bill No. 3131 -- Physicians and Surgeons -- Limits billing by a physician for anatomic pathology services or cytology services by any entity in which such physician has an interest. Amends TCA Title 63, Chapter 6 and Title 63, Chapter 9.

House Bill No. 3216 -- Zoning -- Requires certain counties to promulgate zoning regulations applicable to unincorporated areas if the county is deemed to be non-compliant with state or federal air quality attainment standards. Amends TCA Title 13, Chapter 7, Part 1.

House Bill No. 3240 -- Public Utilities -- Prohibits privately owned public utility supplying water to municipal government from charging rates, tolls, or schedules in connection with fire hydrant service to municipal government providing fire protection services within the service area; establishes methods by which the utility may recover its costs. Amends TCA Section 65-5-201.

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House Bill No. 3264 -- Scholarships and Financial Aid -- Renames the "Tennessee Student Assistance Award Restoration Act" as the "Ben Atchley Opportunity Grant Act". Amends TCA Section 49-4-801.

House Bill No. 3319 -- Education, Higher -- Enacts the "Higher Education Accountability Act of 2004".

House Bill No. 3337 -- Child Custody and Support -- Requires Department of Human Services to terminate or modify child support upon verifying proof that child has reached majority, died, or graduated from high school; requires parent to supply proof of child's age, death, or graduation; requires LEA to provide proof of child's graduation within 20 days of request from department or child's parents. Amends TCA Title 36, Chapter 6 and Title 36, Chapter 5.

House Bill No. 3364 -- Local Inmates -- Allows county or municipality to authorize jail or workhouse administrator to charge inmate nominal fee for special services including participation in scholastic testing and escort by correctional officers to hospital or funeral home. Amends TCA Section 41-4-142.

House Bill No. 3391 -- Criminal Offenses -- Rewrites the offense of communication theft, punishes offense as theft, provides civil remedies and statutory damages, combines present offense of cable television theft. Amends TCA Title 7, Chapter 59 and Title 39, Chapter 14.

House Bill No. 3397 -- Criminal Offenses -- Redefines especially aggravated burglary to require that the victim must suffer serious bodily injury OR that the perpetrator was in possession of deadly weapon rather than present requirement that victim suffer serious bodily injury. Amends TCA Title 39.

House Bill No. 3404 -- Guardianship -- Permits judge to waive guardian ad litem's written report before hearing to appoint fiduciary; allows fiduciary to revoke or amend durable power of attorney for health care executed by principal prior to fiduciary's appointment; specifies when powers removed from respondent and given to conservator that respondent retains only rights specifically enumerated. Amends TCA Title 34, Chapter 1, Part 1; Title 34, Chapter 3, Part 1 and Title 34, Chapter 6, Part 2.

House Bill No. 3427 -- Election Laws -- Revises times candidates or political campaign committees who have appointed political treasurer less than one year before an election must file the initial contribution, loan and expenditure statement. Amends TCA Section 2-10-105.

House Bill No. 3463 -- Dentists -- Revises scope of practice for dental hygienists and dental assistants, reciprocity for dentists and disciplinary powers of the board of dentistry. Amends TCA Section 63-5-108.

House Bill No. 3498 -- Air Pollution -- Revises requirements concerning emissions testing of certain vehicles.

House Bill No. 3503 -- Labor and Workforce Development, Dept. of -- Effective July 1, 2004, revises formula for assignment of annual unemployment insurance premium rates for new employers. Amends TCA Section 50-7-403(b)(1)(B).

House Bill No. 3512 -- TennCare -- Removes reference to "office of health services" in provision giving subpoena and related powers to the program integrity unit. Amends TCA Title 4; Title 20; Title 29; Title 39; Title 40; Title 41; Title 47; Title 53; Title 56; Title 68 and Title 71.

House Bill No. 3513 -- TennCare -- Prevents denial of eligibility for persons residing in battered women's shelter who are unable to provide evidence of legal place of residence or telephone number. Amends TCA Title 10; Title 12; Title 20; Title 29; Title 33; Title 37; Title 39; Title 40; Title 41; Title 47; Title 49; Title 50; Title 53; Title 55; Title 56; Title 58; Title 63; Title 67; Title 68 and Title 71.

House Bill No. 3514 -- Mental Illness -- Authorizes, in certain circumstances, audio-video conferencing for judicial hearings concerning persons with mental illness. Amends TCA Title 33.

House Bill No. 3523 -- Textbooks -- Requires school boards to determine the number of teachers to serve on textbook recommendation committee instead of requiring that the committee have three to five teachers.

House Bill No. 3529 -- Taxes, Excise -- Revises provisions governing depreciation for purposes of determining net earnings or losses. Amends TCA Section 67-4-2006.

House Bill No. 3590 -- Decatur County -- Subject to local approval, establishes \$30.00 wheel tax.

House Bill No. 3602 -- Giles County -- Subject to local approval, transfers duties of probate court to chancery court.

SENATE BILLS ON SECOND CONSIDERATION

The Speaker announced that the following bills passed second consideration and were referred to the appropriate committee:

Senate Bill No. 3509 held on desk.

Senate Bill No. 3510 held on desk.

Senate Bill No. 3511 held on desk.

INTRODUCTION OF RESOLUTIONS

The Speaker announced that the following resolutions were filed for introduction. Pursuant to Rule 21, the resolutions lie over.

Senate Joint Resolution No. 1123 by Senator Cooper.
Memorials, Retirement -- Mike Countess.

Senate Joint Resolution No. 1124 by Senator Cohen.
Memorials, Interns -- Krista Lee.

Senate Joint Resolution No. 1125 by Senator Cohen.
Memorials, Interns -- Ian Rubinfeld.

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Senate Joint Resolution No. 1126 by Senator Herron.
Memorials, Death -- Steven Wright.

Senate Joint Resolution No. 1127 by Senator Southerland.
Memorials, Interns -- Brent J. Chapman.

Senate Joint Resolution No. 1128 by Senator Southerland.
Memorials, Congratulations -- Sandy Shelton.

Senate Joint Resolution No. 1129 by Senator Southerland.
Memorials, Congratulations -- Randy Brewer.

Senate Joint Resolution No. 1130 by Senator Southerland.
Memorials, Recognition -- Dwight Wilkerson.

Senate Joint Resolution No. 1131 by Senator Southerland.
Memorials, Congratulations -- Denise Hughes Ray.

Senate Joint Resolution No. 1132 by Senator Clabough.
Memorials, Academic Achievement -- Courtney Rogers, Valedictorian, William Blount High School.

Senate Joint Resolution No. 1133 by Senator Clabough.
Memorials, Academic Achievement -- Erin Michelle French, Valedictorian, William Blount High School.

Senate Joint Resolution No. 1134 by Senator Burks.
Memorials, Retirement -- Russ Cyphers.

Senate Joint Resolution No. 1135 by Senator Haynes.
Memorials, Congratulations -- Zeta Chapter of Pi Kappa Alpha Fraternity, Robert Adger Smythe Award.

Senate Joint Resolution No. 1136 by Senator Haynes.
Memorials, Interns -- Marie Stacey.

Senate Joint Resolution No. 1137 by Senator Cooper.
Memorials, Academic Achievement -- Christian Crouch, Valedictorian, Franklin County High School.

Senate Joint Resolution No. 1138 by Senator Kyle.
Memorials, Academic Achievement -- Jamie Liebenow, Valedictorian, Kingsbury High School.

Senate Joint Resolution No. 1139 by Senator Atchley.
Memorials, Recognition -- Jennie H. Dulaney.

Senate Joint Resolution No. 1140 by Senator Norris.
Memorials, Public Service -- Roy L. White.

Senate Joint Resolution No. 1141 by Senator Trail.
Memorials, Interns -- Richard Smith.

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Senate Joint Resolution No. 1142 by Senator Haynes.

Memorials, Public Service -- J.D. Elliott, 2004 Crowning Achievement Award.

Senate Joint Resolution No. 1143 by Senator Beavers.

Memorials, Congratulations -- Mt. Juliet High School Choir.

Senate Joint Resolution No. 1144 by Senator Kurita.

Memorials, Public Service -- Holly Petraeus.

Senate Joint Resolution No. 1145 by Senator Kurita.

Memorials, Congratulations -- Montgomery Central High School Drill Team.

Senate Joint Resolution No. 1146 by Senator Kurita.

Memorials, Heroism -- Major General David H. Petraeus.

Senate Resolution No. 214 by Senator Kurita.

Memorials, Public Service -- Holly Petraeus.

Senate Resolution No. 215 by Senator Kurita.

Memorials, Heroism -- Major General David Petraeus.

Senate Resolution No. 216 by Senator Burchett.

Memorials, Retirement -- Simon Wiesenthal.

Senate Resolution No. 217 by Senator Clabough.

Memorials, Death -- Judge Houston Monroe Goddard.

RESOLUTIONS LYING OVER

House Joint Resolution No. 1002 -- Highway Signs -- Names a segment of SR 68 in Meigs

County the "Raymond Bivens Memorial Highway".

The Speaker announced that he had referred House Joint Resolution No. 1002 to Committee on Transportation.

House Joint Resolution No. 1006 -- Education, State Board of -- Urges State Board of

Education to study the inclusion of alcohol awareness and drug usage awareness in K-12 curriculums.

The Speaker announced that he had referred House Joint Resolution No. 1006 to Committee on Education.

House Joint Resolution No. 1076 -- Highway Signs -- "Robert Lynn Draper Bridge", S.R.

135 in Putnam County.

The Speaker announced that he had referred House Joint Resolution No. 1076 to Committee on Transportation.

House Joint Resolution No. 1079 -- Highway Signs -- "Congressman John J. Duncan,

Jr./Loudon County Veterans Memorial Bridge", U.S. 11 (S.R. 2) over Tennessee River in City of Loudon.

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The Speaker announced that he had referred House Joint Resolution No. 1079 to Committee on Transportation.

House Joint Resolution No. 1084 -- Memorials, Recognition -- Recognizes May 2004 as "Direct Deposit and Direct Payment Month".

The Speaker announced that he had referred House Joint Resolution No. 1084 to Committee on State and Local Government.

House Joint Resolution No. 1135 -- Memorials, Professional Achievement -- Tommy Allen, Tennessee Teachers Hall of Fame.

The Speaker announced that he had referred House Joint Resolution No. 1135 to Committee on Calendar.

House Joint Resolution No. 1137 -- Naming and Designating -- National Nurses Week, May 6-12, 2004.

The Speaker announced that he had referred House Joint Resolution No. 1137 to Committee on State and Local Government.

House Joint Resolution No. 1138 -- Memorials, Heroism -- Volunteer Fire Departments of Sumner County.

The Speaker announced that he had referred House Joint Resolution No. 1138 to Committee on Calendar.

House Joint Resolution No. 1139 -- Memorials, Professional Achievement -- Nina Wood, Sumner County and Upper Cumberland Region Teacher of the Year.

The Speaker announced that he had referred House Joint Resolution No. 1139 to Committee on Calendar.

House Joint Resolution No. 1140 -- Memorials, Recognition -- Dr. Ron Aday.

The Speaker announced that he had referred House Joint Resolution No. 1140 to Committee on Calendar.

House Joint Resolution No. 1141 -- Memorials, Recognition -- Sandra D. Love.

The Speaker announced that he had referred House Joint Resolution No. 1141 to Committee on Calendar.

House Joint Resolution No. 1142 -- Memorials, Recognition -- Donna Duncan.

The Speaker announced that he had referred House Joint Resolution No. 1142 to Committee on Calendar.

House Joint Resolution No. 1143 -- Memorials, Academic Achievement -- Hannah Armstrong, Valedictorian, Hickman County High School.

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The Speaker announced that he had referred House Joint Resolution No. 1143 to Committee on Calendar.

House Joint Resolution No. 1144 -- Memorials, Personal Occasion -- Tom Thompson Sugg, Sr., 100th birthday.

The Speaker announced that he had referred House Joint Resolution No. 1144 to Committee on Calendar.

House Joint Resolution No. 1145 -- Memorials, Recognition -- Jim and Vic Loyd.

The Speaker announced that he had referred House Joint Resolution No. 1145 to Committee on Calendar.

House Joint Resolution No. 1146 -- Memorials, Academic Achievement -- Margaret Ruth Hutchens, Salutatorian, Hickman County High School.

The Speaker announced that he had referred House Joint Resolution No. 1146 to Committee on Calendar.

House Joint Resolution No. 1147 -- Memorials, Academic Achievement -- Brianne Lankford, Valedictorian, Oliver Springs High School.

The Speaker announced that he had referred House Joint Resolution No. 1147 to Committee on Calendar.

House Joint Resolution No. 1148 -- Memorials, Academic Achievement -- Megan Lunsford, Salutatorian, Oliver Springs High School.

The Speaker announced that he had referred House Joint Resolution No. 1148 to Committee on Calendar.

House Joint Resolution No. 1149 -- Memorials, Academic Achievement -- Anthony Lee, Salutatorian, Dickson County High School.

The Speaker announced that he had referred House Joint Resolution No. 1149 to Committee on Calendar.

House Joint Resolution No. 1150 -- Memorials, Academic Achievement -- Jessica Terry, Valedictorian, Jellico High School.

The Speaker announced that he had referred House Joint Resolution No. 1150 to Committee on Calendar.

House Joint Resolution No. 1151 -- Memorials, Academic Achievement -- Cara Jean Williams, Salutatorian, Jellico High School.

The Speaker announced that he had referred House Joint Resolution No. 1151 to Committee on Calendar.

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House Joint Resolution No. 1152 -- Memorials, Academic Achievement -- Sarah Berry, Valedictorian, Union County High School.

The Speaker announced that he had referred House Joint Resolution No. 1152 to Committee on Calendar.

House Joint Resolution No. 1153 -- Memorials, Academic Achievement -- A. J. Bennett, Valedictorian, Union County High School.

The Speaker announced that he had referred House Joint Resolution No. 1153 to Committee on Calendar.

House Joint Resolution No. 1154 -- Memorials, Academic Achievement -- Amy Merritt, Valedictorian, Union City High School.

The Speaker announced that he had referred House Joint Resolution No. 1154 to Committee on Calendar.

House Joint Resolution No. 1155 -- Memorials, Academic Achievement -- Jessica Wenger West, Valedictorian, Union County High School.

The Speaker announced that he had referred House Joint Resolution No. 1155 to Committee on Calendar.

House Joint Resolution No. 1156 -- Memorials, Academic Achievement -- Chance Donahue, Salutatorian, Campbell County High School.

The Speaker announced that he had referred House Joint Resolution No. 1156 to Committee on Calendar.

House Joint Resolution No. 1157 -- Memorials, Academic Achievement -- Brandon Lawson, Valedictorian, Campbell County High School.

The Speaker announced that he had referred House Joint Resolution No. 1157 to Committee on Calendar.

House Joint Resolution No. 1158 -- Memorials, Academic Achievement -- Ashlie Nicole Chaniott, Valedictorian, Campbell County High School.

The Speaker announced that he had referred House Joint Resolution No. 1158 to Committee on Calendar.

House Joint Resolution No. 1159 -- Memorials, Professional Achievement -- W.T. "Bill" Ratliff, Jr., 59th President of Tennessee Road Builders Association.

The Speaker announced that he had referred House Joint Resolution No. 1159 to Committee on Calendar.

House Joint Resolution No. 1160 -- Memorials, Public Service -- Zach Frye, Make a Difference Day 2004 Winner.

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The Speaker announced that he had referred House Joint Resolution No. 1160 to Committee on Calendar.

House Joint Resolution No. 1161 -- Memorials, Public Service -- Doris Einecker.

The Speaker announced that he had referred House Joint Resolution No. 1161 to Committee on Calendar.

House Joint Resolution No. 1162 -- Memorials, Interns -- Alison Ross Wickizer.

The Speaker announced that he had referred House Joint Resolution No. 1162 to Committee on Calendar.

House Joint Resolution No. 1163 -- Memorials, Interns -- Richard "Todd" Reilly.

The Speaker announced that he had referred House Joint Resolution No. 1163 to Committee on Calendar.

House Joint Resolution No. 1164 -- Memorials, Recognition -- Cyndee Rice Sims.

The Speaker announced that he had referred House Joint Resolution No. 1164 to Committee on Calendar.

House Joint Resolution No. 1165 -- Memorials, Recognition -- Dorothy Peoples.

The Speaker announced that he had referred House Joint Resolution No. 1165 to Committee on Calendar.

House Joint Resolution No. 1166 -- Memorials, Academic Achievement -- Ashley Hopson, Salutatorian, Union County High School.

The Speaker announced that he had referred House Joint Resolution No. 1166 to Committee on Calendar.

House Joint Resolution No. 1167 -- Memorials, Academic Achievement -- Chris Fox, Valedictorian, Union County High School.

The Speaker announced that he had referred House Joint Resolution No. 1167 to Committee on Calendar.

House Joint Resolution No. 1168 -- Memorials, Academic Achievement -- Emily Hunsaker, Valedictorian, Union City High School.

The Speaker announced that he had referred House Joint Resolution No. 1168 to Committee on Calendar.

House Joint Resolution No. 1169 -- Memorials, Academic Achievement -- Leslie Marie Yarberry, Valedictorian, Union County High School.

The Speaker announced that he had referred House Joint Resolution No. 1169 to Committee on Calendar.

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House Joint Resolution No. 1170 -- Memorials, Academic Achievement -- Brittany DeAnn Berry, Valedictorian, Union County High School.

The Speaker announced that he had referred House Joint Resolution No. 1170 to Committee on Calendar.

House Joint Resolution No. 1171 -- Memorials, Academic Achievement -- Lucas Sams, Valedictorian, Union County High School.

The Speaker announced that he had referred House Joint Resolution No. 1171 to Committee on Calendar.

House Joint Resolution No. 1172 -- Memorials, Academic Achievement -- Donald Matthew Wahlman, Co-Salutatorian, Zion Christian Academy.

The Speaker announced that he had referred House Joint Resolution No. 1172 to Committee on Calendar.

House Joint Resolution No. 1173 -- Memorials, Academic Achievement -- Neylan Roberts, Valedictorian, Mount Pleasant High School.

The Speaker announced that he had referred House Joint Resolution No. 1173 to Committee on Calendar.

House Joint Resolution No. 1174 -- Memorials, Academic Achievement -- Crystal Hoonhorst, Co-Valedictorian, Zion Christian Academy.

The Speaker announced that he had referred House Joint Resolution No. 1174 to Committee on Calendar.

House Joint Resolution No. 1175 -- Memorials, Academic Achievement -- Paige Provey, Salutatorian, Culleoka High School.

The Speaker announced that he had referred House Joint Resolution No. 1175 to Committee on Calendar.

House Joint Resolution No. 1176 -- Memorials, Academic Achievement -- Jake Danels, Valedictorian, Culleoka High School.

The Speaker announced that he had referred House Joint Resolution No. 1176 to Committee on Calendar.

House Joint Resolution No. 1177 -- Memorials, Academic Achievement -- Allison Hammell, Valedictorian, Spring Hills High School.

The Speaker announced that he had referred House Joint Resolution No. 1177 to Committee on Calendar.

House Joint Resolution No. 1178 -- Memorials, Academic Achievement -- Lacey Ring, Valedictorian, Columbia Academy.

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The Speaker announced that he had referred House Joint Resolution No. 1178 to Committee on Calendar.

House Joint Resolution No. 1179 -- Memorials, Academic Achievement -- Lindsey Creech, Salutatorian, Columbia Academy.

The Speaker announced that he had referred House Joint Resolution No. 1179 to Committee on Calendar.

House Joint Resolution No. 1180 -- Memorials, Interns -- David Patrick Johnson.

The Speaker announced that he had referred House Joint Resolution No. 1180 to Committee on Calendar.

House Joint Resolution No. 1181 -- Memorials, Interns -- Mandy Spears.

The Speaker announced that he had referred House Joint Resolution No. 1181 to Committee on Calendar.

House Joint Resolution No. 1182 -- Memorials, Academic Achievement -- Blake William Jones, Valedictorian, Dickson County High School.

The Speaker announced that he had referred House Joint Resolution No. 1182 to Committee on Calendar.

House Joint Resolution No. 1183 -- Memorials, Recognition -- Reverend Joseph Breen, 20th anniversary at St. Edwards Parish.

The Speaker announced that he had referred House Joint Resolution No. 1183 to Committee on Calendar.

House Joint Resolution No. 1184 -- Memorials, Recognition -- Dr. Paul Durham.

The Speaker announced that he had referred House Joint Resolution No. 1184 to Committee on Calendar.

House Joint Resolution No. 1185 -- Memorials, Recognition -- Thomas-Landon House at Freed-Hardeman University.

The Speaker announced that he had referred House Joint Resolution No. 1185 to Committee on Calendar.

House Joint Resolution No. 1186 -- Memorials, Recognition -- Dr. Robert F. Landon.

The Speaker announced that he had referred House Joint Resolution No. 1186 to Committee on Calendar.

House Joint Resolution No. 1187 -- Memorials, Recognition -- Ouida Heady Landon.

The Speaker announced that he had referred House Joint Resolution No. 1187 to Committee on Calendar.

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House Joint Resolution No. 1188 -- Memorials, Recognition -- Reba Thomas.

The Speaker announced that he had referred House Joint Resolution No. 1188 to Committee on Calendar.

House Joint Resolution No. 1189 -- Memorials, Interns -- Richard Kurt Hippel.

The Speaker announced that he had referred House Joint Resolution No. 1189 to Committee on Calendar.

House Joint Resolution No. 1190 -- Memorials, Public Service -- Donelson Senior Center.

The Speaker announced that he had referred House Joint Resolution No. 1190 to Committee on Calendar.

House Joint Resolution No. 1192 -- Memorials, Recognition -- Tennessee Technological University, winner of a Commitment Award from the Tennessee Center for Performance Excellence.

The Speaker announced that he had referred House Joint Resolution No. 1192 to Committee on Calendar.

House Joint Resolution No. 1193 -- Memorials, Academic Achievement -- Jordan Osborn, Valedictorian, Creek Wood High School.

The Speaker announced that he had referred House Joint Resolution No. 1193 to Committee on Calendar.

House Joint Resolution No. 1194 -- Memorials, Academic Achievement -- Jennifer Chaney, Salutatorian, Creek Wood High School.

The Speaker announced that he had referred House Joint Resolution No. 1194 to Committee on Calendar.

House Joint Resolution No. 1195 -- Memorials, Interns -- Lauren Elizabeth Nickas.

The Speaker announced that he had referred House Joint Resolution No. 1195 to Committee on Calendar.

House Joint Resolution No. 1196 -- Memorials, Professional Achievement -- Lisa J. Moffitt, NRCC Businessperson of the Year.

The Speaker announced that he had referred House Joint Resolution No. 1196 to Committee on Calendar.

House Joint Resolution No. 1199 -- Memorials, Academic Achievement -- Virginia Rae Shaw, Valedictorian, Columbia Central High School.

The Speaker announced that he had referred House Joint Resolution No. 1199 to Committee on Calendar.

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House Joint Resolution No. 1200 -- Memorials, Academic Achievement -- Rachel Elliott, Salutatorian, Mount Pleasant High School.

The Speaker announced that he had referred House Joint Resolution No. 1200 to Committee on Calendar.

House Joint Resolution No. 1201 -- Memorials, Academic Achievement -- Mary Constance Richardson, Salutatorian, Columbia Central High School.

The Speaker announced that he had referred House Joint Resolution No. 1201 to Committee on Calendar.

House Joint Resolution No. 1202 -- Memorials, Academic Achievement -- Lindsey Brown, Co-Salutatorian, Zion Christian Academy.

The Speaker announced that he had referred House Joint Resolution No. 1202 to Committee on Calendar.

House Joint Resolution No. 1204 -- Memorials, Academic Achievement -- Cherelle Dabney, Salutatorian, Spring Hill High School.

The Speaker announced that he had referred House Joint Resolution No. 1204 to Committee on Calendar.

House Joint Resolution No. 1205 -- Memorials, Professional Achievement -- Janice Keck, Director, Williamson County Public Library System.

The Speaker announced that he had referred House Joint Resolution No. 1205 to Committee on Calendar.

House Joint Resolution No. 1206 -- Memorials, Retirement -- Dr. Ronald H Griffeth.

The Speaker announced that he had referred House Joint Resolution No. 1206 to Committee on Calendar.

Senate Joint Resolution No. 1066 -- Memorials, Interns -- Joshua Adam Parker.

The Speaker announced that he had referred Senate Joint Resolution No. 1066 to Committee on Calendar.

Senate Joint Resolution No. 1067 -- Memorials, Heroism -- Corporal Josh Samuels, United States Marine Corps.

The Speaker announced that he had referred Senate Joint Resolution No. 1067 to Committee on Calendar.

Senate Joint Resolution No. 1068 -- Memorials, Academic Achievement -- Lauren Michelle Smalley, Valedictorian, William Blount High School.

The Speaker announced that he had referred Senate Joint Resolution No. 1068 to Committee on Calendar.

Senate Joint Resolution No. 1069 -- Memorials, Academic Achievement -- Nathan J. Mills, Valedictorian, Sevier County High School.

The Speaker announced that he had referred Senate Joint Resolution No. 1069 to Committee on Calendar.

Senate Joint Resolution No. 1070 -- Memorials, Academic Achievement -- Matthew Ryan Willis, Valedictorian, Sevier County High School.

The Speaker announced that he had referred Senate Joint Resolution No. 1070 to Committee on Calendar.

Senate Joint Resolution No. 1071 -- Memorials, Academic Achievement -- Sarah C. Taylor, Salutatorian, William Blount High School.

The Speaker announced that he had referred Senate Joint Resolution No. 1071 to Committee on Calendar.

Senate Joint Resolution No. 1072 -- Constitutional Amendments -- Revises Article XI, Section 9, concerning consolidation of municipal and county governmental functions to require only a majority vote of those voting in the election instead of a majority vote of those voting within the municipal corporation and a majority vote of those voting in the county outside the municipal corporation to approve the change.

The Speaker announced that he had referred Senate Joint Resolution No. 1072 to Committee on Judiciary.

Senate Joint Resolution No. 1109 -- Memorials, Academic Achievement -- Rebecca Elizabeth Austin, Salutatorian, East Robertson High School.

The Speaker announced that he had referred Senate Joint Resolution No. 1109 to Committee on Calendar.

Senate Joint Resolution No. 1110 -- Memorials, Academic Achievement -- Donald Scott Davis, Salutatorian, South Haven Christian School.

The Speaker announced that he had referred Senate Joint Resolution No. 1110 to Committee on Calendar.

Senate Joint Resolution No. 1111 -- Memorials, Academic Achievement -- Titus Naive, Valedictorian, South Haven Christian School.

The Speaker announced that he had referred Senate Joint Resolution No. 1111 to Committee on Calendar.

Senate Joint Resolution No. 1112 -- Memorials, Academic Achievement -- Miranda Overdorf, Valedictorian, East Robertson High School.

The Speaker announced that he had referred Senate Joint Resolution No. 1112 to Committee on Calendar.

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Senate Joint Resolution No. 1113 -- Memorials, Academic Achievement -- Susan Plumlee, Valedictorian, East Robertson High School.

The Speaker announced that he had referred Senate Joint Resolution No. 1113 to Committee on Calendar.

Senate Joint Resolution No. 1114 -- Memorials, Interns -- Katherine "Katie" Cooper.

The Speaker announced that he had referred Senate Joint Resolution No. 1114 to Committee on Calendar.

Senate Joint Resolution No. 1115 -- Memorials, Recognition -- ACH Food Companies, Inc.

The Speaker announced that he had referred Senate Joint Resolution No. 1115 to Committee on Calendar.

Senate Joint Resolution No. 1117 -- Memorials, Recognition -- St. Mary's Health System.

The Speaker announced that he had referred Senate Joint Resolution No. 1117 to Committee on Calendar.

Senate Joint Resolution No. 1118 -- Memorials, Recognition -- Harry E. Scanlan.

The Speaker announced that he had referred Senate Joint Resolution No. 1118 to Committee on Calendar.

Senate Joint Resolution No. 1119 -- Memorials, Death -- Katharine Henry.

The Speaker announced that he had referred Senate Joint Resolution No. 1119 to Committee on Calendar.

Senate Joint Resolution No. 1120 -- Memorials, Recognition -- Knight/Jacobs Joint Venture.

The Speaker announced that he had referred Senate Joint Resolution No. 1120 to Committee on Calendar.

Senate Joint Resolution No. 1121 -- Naming and Designating -- Designates May 9-15 as "National Hospital Week".

The Speaker announced that he had referred Senate Joint Resolution No. 1121 to Committee on State and Local Government.

Senate Joint Resolution No. 1122 -- Naming and Designating -- Designates May 6, 2004, as "National Nurses Day", start of "National Nurses Week", May 6-12, 2004.

The Speaker announced that he had referred Senate Joint Resolution No. 1122 to Committee on State and Local Government.

Senate Resolution No. 213 -- Memorials, Interns -- Lauren Howard.

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The Speaker announced that he had referred Senate Resolution No. 213 to Committee on Calendar.

NOTICES

Pursuant to Rule 44, notice was given that the following bills were returned from the House of Representatives amended. Under the rule, the bills lie over.

MESSAGE FROM THE HOUSE

May 5, 2004

MR. SPEAKER: I am directed to return to the Senate, Senate Bill No. 2667, substituted for House Bill on same subject, amended, and passed by the House.

BURNEY T. DURHAM,
Chief Clerk.

MESSAGE FROM THE HOUSE

May 5, 2004

MR. SPEAKER: I am directed to return to the Senate, Senate Bill No. 3455, substituted for House Bill on same subject, amended, and passed by the House.

BURNEY T. DURHAM,
Chief Clerk.

MESSAGE FROM THE HOUSE

May 5, 2004

MR. SPEAKER: I am directed to return to the Senate, Senate Bill No. 3258, substituted for House Bill on same subject, amended, and passed by the House.

BURNEY T. DURHAM,
Chief Clerk.

MESSAGE FROM THE HOUSE

May 5, 2004

MR. SPEAKER: I am directed to return Senate Bill No. 2329. The House refused to recede from its action in adopting House Amendment No. 2.

BURNEY T. DURHAM,
Chief Clerk.

MESSAGE FROM THE HOUSE

May 6, 2004

MR. SPEAKER: I am directed to return to the Senate, Senate Bill No. 3120, substituted for House Bill on same subject, amended, and passed by the House.

BURNEY T. DURHAM,
Chief Clerk.

MOTION

Senator Ford moved that Rule 83 be suspended for the purpose of allowing the Committee on General Welfare, Health and Human Resources to meet on Monday, May 10, at 3:45 p.m., to consider **House Joint Resolution No. 1043** and **Senate Bill No. 2312**, which motion prevailed.

MOTION

Senator Kurita moved that Rule 38 be suspended for the purpose of making and considering Consent Calendar No. 3 consisting of the following resolutions: **Senate Resolutions Nos. 214 and 215**, which motion prevailed.

CONSENT CALENDAR NO. 3

Senate Resolution No. 214 -- Memorials, Public Service -- Holly Petraeus.

Senate Resolution No. 215 -- Memorials, Heroism -- Major General David Petraeus.

Senator Kurita moved that all Senate Resolutions be adopted, which motion prevailed by the following vote:

Ayes 26
Noes 0

Senators voting aye were: Atchley, Bryson, Burchett, Burks, Clabough, Cohen, Cooper, Dixon, Ford, Fowler, Graves, Harper, Haynes, Henry, Herron, Jackson, Kilby, Kurita, McNally, Miller, Norris, Person, Ramsey, Southerland, Trail and Mr. Speaker Wilder--26.

A motion to reconsider was tabled.

MOTION

Senator Norris moved that the rules be suspended for the immediate consideration of **Senate Joint Resolution No. 1140**, out of order, which motion prevailed.

RESOLUTION LYING OVER

Senate Joint Resolution No. 1140 -- Memorials, Public Service -- Roy L. White.

On motion of Senator Norris, the rules were suspended for the immediate consideration of the resolution.

On motion, **Senate Joint Resolution No. 1140** was adopted by the following vote:

Ayes 28
Noes 0

Senators voting aye were: Atchley, Bryson, Burchett, Burks, Clabough, Cohen, Cooper, Crutchfield, Dixon, Ford, Fowler, Graves, Harper, Haynes, Henry, Herron, Jackson, Kilby, Kurita, McLeary, McNally, Miller, Norris, Person, Ramsey, Southerland, Trail and Mr. Speaker Wilder--28.

A motion to reconsider was tabled.

MOTION

Senator Cohen moved that Rule 83(8) be suspended for the purpose of placing **Senate Bill No. 2245** on the calendar for the Committee on Judiciary for Tuesday, May 11, 2004, which motion prevailed.

MOTION

Senator Crutchfield moved that the rules be suspended for the immediate consideration of **House Joint Resolution No. 1141**, out of order, which motion prevailed.

RESOLUTION LYING OVER

House Joint Resolution No. 1141 -- Memorials, Recognition -- Sandra D. Love.

On motion of Senator Crutchfield, the rules were suspended for the immediate consideration of the resolution.

On motion, **House Joint Resolution No. 1141** was concurred in.

A motion to reconsider was tabled.

CONSENT CALENDAR NO. 1

House Joint Resolution No. 1126 -- Memorials, Congratulations -- David L. Archer.

House Joint Resolution No. 1127 -- Memorials, Academic Achievement -- Tyler Scott Clemmons, Valedictorian, Lebanon High School.

House Joint Resolution No. 1128 -- Memorials, Academic Achievement -- Nickolas Tyler Walker, Salutatorian, Lebanon High School.

House Joint Resolution No. 1129 -- Memorials, Retirement -- Dewey E. Winfree.

House Joint Resolution No. 1130 -- Memorials, Professional Achievement -- Frazer Windless.

House Joint Resolution No. 1131 -- Memorials, Congratulations -- Page High School Chess Team.

House Joint Resolution No. 1132 -- Memorials, Congratulations -- Tracy Denning.

House Joint Resolution No. 1133 -- Memorials, Professional Achievement -- Carrie Vinson, Sumner County Teacher of the Year for grades K-5.

Senate Joint Resolution No. 1031 -- Memorials, Recognition -- Judge J.S. Daniel.

Senate Joint Resolution No. 1032 -- Memorials, Academic Achievement -- Ross Ogle, Salutatorian, Pigeon Forge High School.

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Senate Joint Resolution No. 1033 -- Memorials, Academic Achievement -- Lori Adams, Valedictorian, Seymour High School.

Senate Joint Resolution No. 1034 -- Memorials, Academic Achievement -- Lauren Elizabeth Sipe, Valedictorian, Alcoa High School.

Senate Joint Resolution No. 1035 -- Memorials, Academic Achievement -- Rachel Diehl Unger, Salutatorian, Alcoa High School.

Senate Joint Resolution No. 1036 -- Memorials, Academic Achievement -- Jocelyn Price, Valedictorian, Pigeon Forge High School.

Senate Joint Resolution No. 1037 -- Memorials, Professional Achievement -- Willie Mae Cox Wilson, Tennessee Teachers Hall of Fame.

Senate Joint Resolution No. 1038 -- Memorials, Academic Achievement -- Betsy Camille Rhea, Valedictorian, Gatlinburg-Pittman High School.

Senate Joint Resolution No. 1039 -- Memorials, Academic Achievement -- Mari Bales, Salutatorian, Gatlinburg-Pittman High School.

Senate Joint Resolution No. 1040 -- Memorials, Academic Achievement -- Dustin Isaiah Ruehling, Valedictorian, Grundy County High School.

Senate Joint Resolution No. 1041 -- Memorials, Death -- Ernest Pellegrin.

Senate Joint Resolution No. 1043 -- Memorials, Sports -- Gerlonda Hardin.

Senate Joint Resolution No. 1045 -- Memorials, Academic Achievement -- Shannon Acree, Valedictorian, Seymour High School.

Senate Joint Resolution No. 1046 -- Memorials, Academic Achievement -- Michael Earl May, Jr., Valedictorian, Gatlinburg-Pittman High School.

Senate Joint Resolution No. 1047 -- Memorials, Academic Achievement -- Andrea Baxley, Valedictorian, Seymour High School.

Senate Joint Resolution No. 1048 -- Memorials, Academic Achievement -- Jessica Peterson, Valedictorian, Seymour High School.

Senate Joint Resolution No. 1049 -- Memorials, Academic Achievement -- Shelly Childress, Salutatorian, Seymour High School.

Senate Joint Resolution No. 1053 -- Memorials, Academic Achievement -- Brett Koerten, Valedictorian, Sevier County High School.

Senate Joint Resolution No. 1054 -- Memorials, Academic Achievement -- Amber Elaine Reagan, Salutatorian, Sevier County High School.

Senate Joint Resolution No. 1055 -- Memorials, Academic Achievement -- Whitney Marie Latham, Valedictorian, Sevier County High School.

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Senate Joint Resolution No. 1056 -- Memorials, Academic Achievement -- Justin Shults, Valedictorian, Gatlinburg-Pittman High School.

Senate Joint Resolution No. 1057 -- Memorials, Academic Achievement -- Danielle Sheirling, Valedictorian, Sevier County High School.

Senate Joint Resolution No. 1058 -- Memorials, Academic Achievement -- Sean Toomey, Valedictorian, Gatlinburg-Pittman High School.

Senate Joint Resolution No. 1059 -- Memorials, Academic Achievement -- Shannon Petrie, Valedictorian, Seymour High School.

Senate Joint Resolution No. 1060 -- Memorials, Academic Achievement -- Kunal Jardosh, Valedictorian, Gatlinburg-Pittman High School.

Senate Joint Resolution No. 1063 -- Memorials, Retirement -- Yvonne Baird.

Senate Joint Resolution No. 1064 -- Memorials, Recognition -- Sister Sandra Smithson.

Senate Joint Resolution No. 1065 -- Memorials, Professional Achievement -- Dr. Tim Setterlund, 2004 Tennessee PTA Outstanding Principal.

Senate Resolution No. 205 -- Memorials, Academic Achievement -- Ashlie Nicole Chaniott, Valedictorian, Campbell County High School.

Senate Resolution No. 206 -- Memorials, Academic Achievement -- Chance Thomas Donahue, Salutatorian, Campbell County High School.

Senate Resolution No. 207 -- Memorials, Interns -- Jonathan Owen Appleby.

Senate Resolution No. 208 -- Memorials, Academic Achievement -- Brandon Michael Lawson, Valedictorian, Campbell County High School.

Senate Resolution No. 209 -- Memorials, Interns -- Michael Begley.

Senate Resolution No. 210 -- Memorials, Academic Achievement -- Tristin Ainsley Nichole Bond, Valedictorian, Oneida High School.

Senator Atchley moved that all Senate Joint Resolutions and Senate Resolutions be adopted; and all House Joint Resolutions be concurred in, which motion prevailed by the following vote:

| | |
|------------|----|
| Ayes | 29 |
| Noes | 0 |

Senators voting aye were: Atchley, Bryson, Burchett, Burks, Clabough, Cohen, Cooper, Crutchfield, Dixon, Ford, Fowler, Graves, Harper, Haynes, Henry, Herron, Jackson, Kilby, Kurita, Kyle, McLeary, McNally, Miller, Norris, Person, Ramsey, Southerland, Trail and Mr. Speaker Wilder--29.

A motion to reconsider was tabled.

CONSENT CALENDAR NO. 2

Senate Bill No. 2290 -- Courts, General Sessions -- Authorizes Shelby County to designate one division of its general sessions court as the mental health court. Amends TCA Title 9; Title 16; Title 33 and Title 37.

On motion, Senate Bill No. 2290 was made to conform with **House Bill No. 2366**.

On motion, House Bill No. 2366, on same subject, was substituted for Senate Bill No. 2290.

Senate Bill No. 2582 -- Local Education Agency -- Requires LEAs to devise policies and procedures to encourage parental involvement in public schools. Amends TCA Title 49, Chapter 2, Part 3.

On motion, Senate Bill No. 2582 was made to conform with **House Bill No. 2635**.

On motion, House Bill No. 2635, on same subject, was substituted for Senate Bill No. 2582.

Senate Bill No. 2616 -- Lottery, Scholarships and Programs -- Clarifies the meaning of honorably discharged for purposes of determining eligibility for postponement of application for lottery scholarships by students entering military within two years of graduating from high school. Amends TCA Title 49, Chapter 4, Part 9.

Senate Bill No. 2645 -- Education, Higher -- Requires approval by state building commission of expenditures, whether separate or combined, of over \$100,000 on single higher education building or structure, if expenditures made in a six-month period. Amends TCA Title 49, Chapter 7; Title 49, Chapter 8 and Title 49, Chapter 9.

Senate Bill No. 3264 -- Education, Higher -- Clarifies definition of "institution" for purposes of Tennessee State School Bond Authority Act as including all degree and non-degree granting institutions under the board of regents. Amends TCA Title 49, Chapter 3, Part 12.

On motion, Senate Bill No. 3264 was made to conform with **House Bill No. 3263**.

On motion, House Bill No. 3263, on same subject, was substituted for Senate Bill No. 3264.

Senate Bill No. 3379 -- Textbooks -- Requires school boards to determine the number of teachers to serve on textbook recommendation committee instead of requiring that the committee have three to five teachers.

On motion, Senate Bill No. 3379 was made to conform with **House Bill No. 3523**.

On motion, House Bill No. 3523, on same subject, was substituted for Senate Bill No. 3379.

Senator Atchley moved that all Senate Bills and House Bills be passed on third and final consideration, which motion prevailed by the following vote:

| | |
|------------|----|
| Ayes | 29 |
| Noes | 0 |

Senators voting aye were: Atchley, Bryson, Burchett, Burks, Clabough, Cohen, Cooper, Crutchfield, Dixon, Ford, Fowler, Graves, Harper, Haynes, Henry, Herron, Jackson, Kilby, Kurita, McLeary, McNally, Miller, Norris, Person, Ramsey, Southerland, Trail, Williams and Mr. Speaker Wilder--29.

A motion to reconsider was tabled.

LOCAL BILL
CONSENT CALENDAR

Senate Bill No. 3495 -- Spencer -- Subject to local approval, rewrites charter. Amends Chapter 179 of the Private Acts of 1923; as amended.

On motion, Senate Bill No. 3495 was made to conform with **House Bill No. 3593**.

On motion, House Bill No. 3593, on same subject, was substituted for Senate Bill No. 3495.

Senate Bill No. 3499 -- Maury County -- Subject to local approval, permits legislative body of Maury County by resolution to authorize the foreman of the grand jury to appoint a part-time clerk to handle administrative duties for the grand jury and to compensate the clerk at a rate equal to the compensation paid to the guard of the grand jury; repeals Chapter 651 of the Private Acts of 1947.

On motion, Senate Bill No. 3499 was made to conform with **House Bill No. 3595**.

On motion, House Bill No. 3595, on same subject, was substituted for Senate Bill No. 3499.

Senate Bill No. 3500 -- Ashland City -- Subject to local approval, revises charter. Amends Chapter 241 of the Private Acts of 1921.

On motion, Senate Bill No. 3500 was made to conform with **House Bill No. 3596**.

On motion, House Bill No. 3596, on same subject, was substituted for Senate Bill No. 3500.

Senate Bill No. 3501 -- Alcoa -- Subject to local approval, requires that board of education members be elected at-large instead of from districts. Amends Chapter 510 of the Private Acts of 1919; as amended.

On motion, Senate Bill No. 3501 was made to conform with **House Bill No. 3594**.

On motion, House Bill No. 3594, on same subject, was substituted for Senate Bill No. 3501.

Senate Bill No. 3502 -- Milan -- Subject to local approval, provides that the mayor select department heads, subject to the approval of the board of aldermen. Amends Chapter 205 of the Private Acts of 1996; as amended.

Senator Atchley moved that all Senate Bills and House Bills be passed on third and final consideration, which motion prevailed by the following vote:

| | |
|------------|----|
| Ayes | 28 |
| Noes | 0 |

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Senators voting aye were: Atchley, Bryson, Burchett, Burks, Clabough, Cohen, Cooper, Crutchfield, Dixon, Ford, Fowler, Graves, Harper, Haynes, Henry, Herron, Jackson, Kilby, Kurita, McLeary, McNally, Miller, Person, Ramsey, Southerland, Trail, Williams and Mr. Speaker Wilder--28.

A motion to reconsider was tabled.

MOTION

Senator Crutchfield moved that Rule 19 be suspended for the purpose of considering the Message Calendar next, which motion prevailed.

SENATE MESSAGE CALENDAR

Senator Harper moved that **Senate Bill No. 2080** be placed on the Message Calendar for Thursday, May 13, 2004, which motion prevailed.

SENATE BILL ON HOUSE AMENDMENT

Senate Bill No. 2162 -- Professions and Occupations -- Creates a uniform standard format for written prescription orders issued by physicians, osteopathic physicians, optometrists, dentists and podiatrists; requires written prescription orders to be legible and comprehensible to a pharmacist; limits the liability of pharmacists for delay incurred when clarifying a prescription that the pharmacist cannot understand. Amends TCA Title 63.

HOUSE AMENDMENT NO. 1

AMEND by deleting subsection (b) of the amendatory language of Section 8 in its entirety and substituting instead the following language:

(b) If a health care provider issues a prescription order, then it is the duty of the prescriber to issue a legible order. A pharmacist shall contact the prescriber to seek clarification of a written prescription order that is not comprehensible to the pharmacist, in which case the pharmacist must not dispense medication until the pharmacist obtains clarification. A pharmacist shall not be liable to any person for any reasonable delay caused when a pharmacist has reasonably sought clarification of a prescription order.

Senator Dixon moved that the Senate concur in House Amendment No. 1 to **Senate Bill No. 2162**, which motion prevailed by the following vote:

Ayes 27
Noes 0

Senators voting aye were: Atchley, Bryson, Burchett, Burks, Clabough, Cohen, Cooper, Crutchfield, Dixon, Ford, Fowler, Graves, Harper, Henry, Herron, Jackson, Kilby, Kurita, McLeary, McNally, Miller, Person, Ramsey, Southerland, Trail, Williams and Mr. Speaker Wilder--27.

A motion to reconsider was tabled.

HOUSE AMENDMENT NO. 3

AMEND by deleting the following language wherever it appears:

and the month and day that the prescription was issued (written in letters or in both letters and numerals)

and by substituting instead the following language:

and the month and day that the prescription was issued (written in letters or in numerals)

Senator Dixon moved that the Senate concur in House Amendment No. 3 to **Senate Bill No. 2162**, which motion prevailed by the following vote:

| | |
|------------|----|
| Ayes | 29 |
| Noes | 0 |

Senators voting aye were: Atchley, Bryson, Burchett, Burks, Clabough, Cohen, Cooper, Crutchfield, Dixon, Ford, Fowler, Graves, Harper, Haynes, Henry, Herron, Jackson, Kilby, Kurita, Kyle, McLeary, McNally, Miller, Person, Ramsey, Southerland, Trail, Williams and Mr. Speaker Wilder--29.

A motion to reconsider was tabled.

HOUSE AMENDMENT NO. 4

AMEND by deleting the following language in the first sentence of Section 12:

"The Department of Health, division of health related boards, is authorized"

and substituting instead:

"The Department of Health, division of health related boards and the board of pharmacy are authorized".

Senator Dixon moved that the Senate concur in House Amendment No. 4 to **Senate Bill No. 2162**, which motion prevailed by the following vote:

| | |
|------------|----|
| Ayes | 29 |
| Noes | 0 |

Senators voting aye were: Atchley, Bryson, Burchett, Burks, Clabough, Cohen, Cooper, Crutchfield, Dixon, Ford, Fowler, Graves, Harper, Haynes, Henry, Herron, Jackson, Kilby, Kurita, Kyle, McLeary, McNally, Miller, Person, Ramsey, Southerland, Trail, Williams and Mr. Speaker Wilder--29.

A motion to reconsider was tabled.

SENATE BILL ON HOUSE AMENDMENT

Senate Bill No. 2252 -- Salaries and Benefits -- Prohibits air fare reimbursement in excess of standard coach fare for any official, officer, or employee of the State of Tennessee, or the state board of regents, the UT board of trustees, or their institutions. Amends TCA Title 8, Chapter 26 and Title 49, Chapter 7.

HOUSE AMENDMENT NO. 1

AMEND by adding at the end of the amendatory language in Section 1 of the printed bill the following:

Unless an emergency situation arises and the purchase or reimbursement for the purchase of tickets for travel by air in excess of the standard coach fare for such emergency situation is approved by the comptroller, no state funds shall be otherwise used to purchase air travel at rates in excess of standard coach fare for the applicable flight.

AND FURTHER AMEND by adding at the end of the amendatory language in Section 2 of the printed bill the following:

Unless an emergency situation arises and the purchase or reimbursement for the purchase of tickets for travel by air in excess of the standard coach fare for such emergency situation is approved by the comptroller, no state appropriated or university funds shall be otherwise used to purchase air travel at rates in excess of standard coach fare for the applicable flight.

Senator Cohen moved that the Senate concur in House Amendment No. 1 to **Senate Bill No. 2252**, which motion prevailed by the following vote:

| | |
|---------------------------|----|
| Ayes | 23 |
| Noes | 2 |
| Present, not voting . . . | 1 |

Senators voting aye were: Atchley, Bryson, Burchett, Burks, Clabough, Cohen, Cooper, Crutchfield, Fowler, Graves, Haynes, Henry, Herron, Jackson, Kurita, McLeary, McNally, Miller, Person, Ramsey, Southerland, Trail and Williams--23.

Senators voting no were: Ford and Harper--2.

Senator present and not voting was: Dixon--1.

A motion to reconsider was tabled.

SENATE BILL ON HOUSE AMENDMENT

Senate Bill No. 2314 -- Landlord and Tenant -- Changes time period in which landlord must inspect rented premises and compile listing of damages to unit that will be basis for charges against security deposit and estimated costs of repairing such damages from within three business days to within 10 business days of tenant's termination of occupancy. Amends TCA Title 66, Chapter 28.

HOUSE AMENDMENT NO. 1

AMEND by deleting the language "five (5) business days" from the amendatory language of Section 1 and by substituting instead the language "ten (10) business days".

Senator Fowler moved that the Senate concur in House Amendment No. 1 to **Senate Bill No. 2314**, which motion prevailed by the following vote:

Ayes 29
Noes 1

Senators voting aye were: Atchley, Bryson, Burchett, Burks, Clabough, Cohen, Cooper, Crutchfield, Dixon, Ford, Fowler, Harper, Haynes, Henry, Herron, Jackson, Kilby, Kurita, Kyle, McLeary, McNally, Miller, Norris, Person, Ramsey, Southerland, Trail, Williams and Mr. Speaker Wilder--29.

Senator voting no was: Graves--1.

A motion to reconsider was tabled.

SENATE BILL ON HOUSE AMENDMENT

Senate Bill No. 2524 -- Civil Procedure -- Excludes certain actions from commission of felony in misapplication of contract payments; revises prima facie evidence of intent to defraud if loan proceeds or contract payments are misapplied or if amount of lien is exaggerated. Amends TCA Title 66, Chapter 11, Part 1.

HOUSE AMENDMENT NO. 1

AMEND by deleting the amendatory language of Section 1 and substituting instead the following:

Notwithstanding, there is no violation of this section when:

(1) Funds are disbursed pursuant to written agreement; or

(2) The use of funds received and deposited in a business account for use on multiple construction projects is based upon the allocation of costs and profits in accordance with generally accepted accounting principles for construction projects.

AND FURTHER AMEND by adding the following new sentence to the end of the amendatory language of Section 2:

Use of a single business bank account for multiple projects shall not be evidence of intent to defraud.

Senator Fowler moved that the Senate concur in House Amendment No. 1 to **Senate Bill No. 2524**, which motion prevailed by the following vote:

Ayes 24
Noes 2
Present, not voting . . . 2

Senators voting aye were: Atchley, Bryson, Burchett, Clabough, Cohen, Cooper, Crutchfield, Dixon, Ford, Fowler, Graves, Henry, Herron, Jackson, Kilby, Kurita, McLeary, McNally, Miller, Norris, Person, Southerland, Trail and Williams--24.

Senators voting no were: Burks and Haynes--2.

Senators present and not voting were: Harper and Mr. Speaker Wilder--2.

A motion to reconsider was tabled.

SENATE BILL ON HOUSE AMENDMENT

Senate Bill No. 2681 -- Children -- Defines the word "grandparent" for purposes of grandparent visitation statutes. Amends TCA Section 36-6-306 and Section 36-6-307.

HOUSE AMENDMENT NO. 2

AMEND by inserting the language "but is not limited to" between the word "includes" and the punctuation ":".

Senator Haynes moved that the Senate concur in House Amendment No. 2 to **Senate Bill No. 2681**, which motion prevailed by the following vote:

| | |
|------------|----|
| Ayes | 29 |
| Noes | 0 |

Senators voting aye were: Atchley, Bryson, Burchett, Burks, Clabough, Cohen, Cooper, Crutchfield, Dixon, Ford, Fowler, Graves, Harper, Haynes, Henry, Herron, Jackson, Kilby, Kurita, McLeary, McNally, Miller, Norris, Person, Ramsey, Southerland, Trail, Williams and Mr. Speaker Wilder--29.

A motion to reconsider was tabled.

SENATE BILL ON HOUSE AMENDMENT

Senate Bill No. 2832 -- Limitation of Actions -- Limits a municipality from reimbursing or being reimbursed for garbage and refuse collection overpayments or underpayments after a period of 36 months has elapsed from the date the customer was notified of the underpayment or overpayment. TCA Title 6, Chapter 19; Title 6, Chapter 54 and Title 28, Chapter 3, Part 3.

HOUSE AMENDMENT NO. 1

AMEND by deleting all language after the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Title 28, Chapter 3, Part 3, is amended by adding a new appropriately designated section:

() Notwithstanding any other provision of law to the contrary, a municipality shall not refund an overpayment or collect amounts owed to the municipality as a result of an underpayment or nonpayment of any charge or fee imposed for solid waste, garbage, or refuse collection or disposal services if such overpayment, underpayment, or nonpayment is more than thirty-six (36) months past the date payment was first due.

SECTION 2. This act shall take effect upon becoming a law, the public welfare requiring it.

Senator Fowler moved that the Senate concur in House Amendment No. 1 to **Senate Bill No. 2832**, which motion prevailed by the following vote:

Ayes 29
Noes 0

Senators voting aye were: Atchley, Bryson, Burchett, Burks, Clabough, Cohen, Cooper, Crutchfield, Dixon, Ford, Fowler, Graves, Harper, Haynes, Henry, Herron, Jackson, Kilby, Kurita, McLeary, McNally, Miller, Norris, Person, Ramsey, Southerland, Trail, Williams and Mr. Speaker Wilder--29.

A motion to reconsider was tabled.

SENATE BILL ON HOUSE AMENDMENT

Senate Bill No. 3139 -- Tennessee Emergency Management Agency (TEMA) -- Enacts the "Mutual Aid and Emergency and Disaster Assistance Agreement Act of 2004". Amends TCA Title 7 and Title 58.

HOUSE AMENDMENT NO. 1

AMEND by adding the following sentence at the end of Section 58-8-113 in Section 1 of the bill:

"Nothing in this chapter shall be construed to require that employees of the responding party are to be considered employees of the state or any of its agencies for any purpose."

Senator McNally moved that the Senate concur in House Amendment No. 1 to **Senate Bill No. 3139**, which motion prevailed by the following vote:

Ayes 30
Noes 0

Senators voting aye were: Atchley, Bryson, Burchett, Burks, Clabough, Cohen, Cooper, Crutchfield, Dixon, Ford, Fowler, Graves, Harper, Haynes, Henry, Herron, Jackson, Kilby, Kurita, Kyle, McLeary, McNally, Miller, Norris, Person, Ramsey, Southerland, Trail, Williams and Mr. Speaker Wilder--30.

A motion to reconsider was tabled.

SENATE BILL ON HOUSE AMENDMENT

Senate Bill No. 3228 -- Nuisances -- Exempts persons who operate or use sport shooting range from penalty for noise pollution if range in compliance with noise control laws. Amends TCA Title 39, Chapter 17.

HOUSE AMENDMENT NO. 1

AMEND by deleting the amendatory language of Sections 1(b)(1) and 1(b)(2) of the printed bill and by substituting instead the following:

(1) A person who operates or uses a sport shooting range is not subject to civil or criminal liability for noise or noise pollution, nuisance or any other claim not involving physical injury to another human, resulting from the operation or use of the sport shooting range as a

sport shooting range if the sport shooting range is in compliance with any applicable noise control laws, resolutions, ordinances or regulations issued by a unit of local government, that applied to the range at the time that the range began operation.

(2) A person or entity that operates or uses a sport shooting range is not subject to an action for nuisance, abatement, or any other type of action or proceeding which would have the effect of limiting, reducing, eliminating or enjoining the use or operation of the sport shooting range as a sport shooting range if the sport shooting range is in compliance with any applicable noise control laws, resolutions, ordinances or regulations issued by a unit of local government, that applied to the range and its operation at the time that the range began operation.

AND FURTHER AMEND by adding the following language to Section 1 of the printed bill as a new subsection:

(d) With respect to any range that is open to the public and that begins operation after the effective date of this act and for which there are no local zoning resolutions, ordinances or regulations affecting its establishment as a sport shooting range as of the date it began operation, such range shall not be protected by the exemptions from nuisance actions contained herein until one year after the date the sport shooting range begins operation.

Senator McNally moved that the Senate concur in House Amendment No. 1 to **Senate Bill No. 3228**, which motion prevailed by the following vote:

Ayes 28
Noes 0

Senators voting aye were: Atchley, Bryson, Burchett, Burks, Clabough, Cohen, Cooper, Crutchfield, Dixon, Ford, Fowler, Graves, Haynes, Henry, Herron, Jackson, Kilby, Kurita, McLeary, McNally, Miller, Norris, Person, Ramsey, Southerland, Trail, Williams and Mr. Speaker Wilder--28.

A motion to reconsider was tabled.

MR. SPEAKER WILDER RELINQUISHES CHAIR

Mr. Speaker Wilder relinquished the Chair to Senator Herron as Speaker pro tempore.

HOUSE AMENDMENT NO. 2

AMEND by inserting the following new language between the language "if the sport shooting range" and the language "is in compliance" in the first sentence of subsection (b)(1) of the amendatory language of Section 1 as amended:

is currently located on the same tract or contiguous tracts of real property as when it first began operation as a shooting range and

Senator McNally moved that the Senate concur in House Amendment No. 2 to **Senate Bill No. 3228**, which motion prevailed by the following vote:

Ayes 25
Noes 0

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Senators voting aye were: Atchley, Bryson, Burchett, Burks, Clabough, Cooper, Crutchfield, Dixon, Ford, Fowler, Graves, Henry, Jackson, Kilby, Kurita, Kyle, McLeary, McNally, Miller, Norris, Person, Ramsey, Southerland, Trail and Williams--25.

A motion to reconsider was tabled.

Senator Burchett moved that **Senate Bill No. 3371** be placed on the Message Calendar for Monday, May 10, 2004, which motion prevailed.

SENATE BILL ON HOUSE AMENDMENT

Senate Bill No. 3391 -- Unemployment Compensation -- Revises provisions for contesting unemployment insurance tax collected or administered by the Commissioner of Labor and Workforce Development. Amends TCA Section 9-8-402(a)(2).

HOUSE AMENDMENT NO. 1

AMEND by deleting the language "15" from the amendatory language of Section 5 and by substituting instead the language "20".

Senator Trail moved that the Senate concur in House Amendment No. 1 to **Senate Bill No. 3391**, which motion prevailed by the following vote:

| | |
|------------|----|
| Ayes | 26 |
| Noes | 0 |

Senators voting aye were: Atchley, Bryson, Burchett, Burks, Cooper, Crutchfield, Dixon, Ford, Fowler, Graves, Harper, Henry, Herron, Jackson, Kilby, Kurita, Kyle, McLeary, McNally, Miller, Norris, Person, Ramsey, Southerland, Trail and Williams--26.

A motion to reconsider was tabled.

CALENDAR

Senate Bill No. 3392 -- TennCare -- Prevents denial of eligibility for persons residing in battered women's shelter who are unable to provide evidence of legal place of residence or telephone number. Amends TCA Title 10; Title 12; Title 20; Title 29; Title 33; Title 37; Title 39; Title 40; Title 41; Title 47; Title 49; Title 50; Title 53; Title 55; Title 56; Title 58; Title 63; Title 67; Title 68 and Title 71.

On motion, Senate Bill No. 3392 was made to conform with **House Bill No. 3513**.

On motion, House Bill No. 3513, on same subject, was substituted for Senate Bill No. 3392.

On motion of Senator Crutchfield, Amendment No. 1 was withdrawn.

Senator Cooper moved that Amendment No. 2 be placed behind Amendment No. 4, which motion prevailed.

On motion of Senator Cooper, Amendment No. 3 was withdrawn.

On motion of Senator Ramsey, Amendment No. 4 was withdrawn.

On motion of Senator Cooper, Amendment No. 2 was withdrawn.

On motion of Senator Ford, Amendment No. 5 was withdrawn.

On motion of Senator Ford, Amendment No. 6 was withdrawn.

On motion of Senator Ford, Amendment No. 7 was withdrawn.

Senator Jackson moved to amend as follows:

AMENDMENT NO. 8

AMEND by deleting Section 27 in its entirety and by substituting instead the following:

SECTION 27. Tennessee Code Annotated, Section 53-10-306(a), is amended by adding the following new subsection thereto:

(5) Personnel actively engaged in analysis of controlled substances prescription information as a part of their assigned duties and responsibilities related directly to TennCare of the following entities:

(A) The Office of TennCare Inspector General;

(B) The Medicaid Fraud Control Unit; and

(C) The Tennessee Bureau of Investigation.

Pursuant to Rule 39(3), Amendment No. 8 was adopted by the following vote:

Ayes 27
Noes 1

Senators voting aye were: Atchley, Bryson, Burchett, Burks, Clabough, Cooper, Dixon, Ford, Fowler, Graves, Harper, Haynes, Henry, Herron, Jackson, Kilby, Kurita, Kyle, McLeary, Miller, Norris, Person, Ramsey, Southerland, Trail, Williams and Mr. Speaker Wilder--27.

Senator voting no was: McNally--1.

Thereupon, **House Bill No. 3513**, as amended, passed its third and final consideration by the following vote:

Ayes 29
Noes 0

Senators voting aye were: Atchley, Bryson, Burchett, Burks, Clabough, Cooper, Crutchfield, Dixon, Ford, Fowler, Graves, Harper, Haynes, Henry, Herron, Jackson, Kilby, Kurita, Kyle, McLeary, McNally, Miller, Norris, Person, Ramsey, Southerland, Trail, Williams and Mr. Speaker Wilder--29.

A motion to reconsider was tabled.

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Senator Graves moved that **Senate Bill No. 3394** be placed on the calendar for Monday, May 10, 2004, which motion prevailed.

Senate Bill No. 2846 -- Physicians and Surgeons -- Limits billing by a physician for anatomic pathology services or cytology services by any entity in which such physician has an interest. Amends TCA Title 63, Chapter 6 and Title 63, Chapter 9.

On motion, Senate Bill No. 2846 was made to conform with **House Bill No. 3131**.

On motion, House Bill No. 3131, on same subject, was substituted for Senate Bill No. 2846.

On motion of Senator Ford, Amendment No. 1 was withdrawn.

Thereupon, **House Bill No. 3131** passed its third and final consideration by the following vote:

| | |
|------------|----|
| Ayes | 28 |
| Noes | 0 |

Senators voting aye were: Atchley, Bryson, Burchett, Burks, Clabough, Cooper, Crutchfield, Dixon, Ford, Fowler, Graves, Harper, Haynes, Henry, Herron, Jackson, Kilby, Kurita, Kyle, McLeary, McNally, Miller, Norris, Person, Ramsey, Southerland, Trail and Williams--28.

A motion to reconsider was tabled.

Speaker pro tempore Herron moved that **Senate Bill No. 135** be moved ten places down on the calendar for today, which motion prevailed.

Speaker pro tempore Herron moved that **Senate Bill No. 2090** be placed on the calendar for Monday, May 10, 2004, which motion prevailed.

Senate Bill No. 2433 -- Solid Waste Disposal -- Exempts sinkhole disposal of solid waste from exemption on disposal on private land; and imposes \$1,000-\$5,000 penalty for sinkhole disposal of solid waste. Amends TCA Title 68, Chapter 211.

On motion, Senate Bill No. 2433 was made to conform with **House Bill No. 2276**.

On motion, House Bill No. 2276, on same subject, was substituted for Senate Bill No. 2433.

Senator Miller moved to amend as follows:

AMENDMENT NO. 1

AMEND by deleting all language following the enacting clause and substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 68-211-110, is amended by adding the following language at the end of that section:

However, the provisions of this part shall apply to sinkhole disposal of solid waste.

SECTION 2. Tennessee Code Annotated, Section 68-211-117, is amended by adding a new subsection thereto, as follows:

(e) Any person who violates or fails to comply with the provisions of this part pertaining to sinkhole disposal of solid waste shall be subject to a civil penalty of not less than one hundred dollars (\$100), nor more than one thousand dollars (\$1,000) per day for each day of violation.

SECTION 3. Tennessee Code Annotated, Section 68-211-117(c), is amended by adding a new subdivision (2) and by redesignating the following subdivisions accordingly:

(c)(2) If the violation involves the disposal of solid waste in a sinkhole, the penalty shall be enhanced because of the likelihood of harm to the environment and the public.

SECTION 4. This act shall take effect July 1, 2004, the public welfare requiring it.

Senator Miller moved to amend as follows:

AMENDMENT NO. 1 TO AMENDMENT NO. 1

AMEND by deleting all language after the enacting clause of the printed bill as amended and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 68-211-110, is amended by adding the following language at the end of the section:

Provided however, after January 1, 2005, this section shall not exempt a private natural person from the provisions of this part if that person deposits such household waste in a sinkhole.

SECTION 2. Tennessee Code Annotated, Section 68-211-117(a), is amended by adding the following language and punctuation at the end of the sentence after the word, "violation":

; provided however, that if the violation involves the disposal of solid waste in a sinkhole, it shall be subject to a civil penalty of not less than one hundred dollars (\$100) nor more than one thousand dollars (\$1,000) per day for each day of violation because of the increased likelihood of harm to the environment and the public

SECTION 3. This act shall take effect July 1, 2004, the public welfare requiring it.

On motion, Amendment No. 1 to Amendment No. 1 was adopted.

On motion, Amendment No. 1, as amended, was adopted.

Senator Jackson declared Rule 13 on **House Bill No. 2276**.

Thereupon, **House Bill No. 2276**, as amended, passed its third and final consideration by the following vote:

Ayes 29
Noes 0

Senators voting aye were: Atchley, Bryson, Burchett, Burks, Clabough, Cooper, Crutchfield, Dixon, Ford, Fowler, Graves, Harper, Haynes, Henry, Herron, Jackson, Kilby, Kurita, Kyle, McLeary, McNally, Miller, Norris, Person, Ramsey, Southerland, Trail, Williams and Mr. Speaker Wilder--29.

A motion to reconsider was tabled.

Senate Bill No. 2594 -- Public Contracts -- Prohibits discrimination of faith based providers in state and local contracts for goods and services provided through, or administered by, the Departments of Children Services, Health and Human Services. Amends TCA Title 12, Chapter 4.

Senator Cohen moved to amend as follows:

AMENDMENT NO. 1

AMEND by adding the following language as a new subsection in the amendatory language of Section 1 of the bill:

(l) No funds provided by any state or local government for goods and services to religious organizations shall supplant present funding of programs provided by such groups but shall be a supplement to the activities rendered by these groups.

On motion, Amendment No. 1 was adopted.

Thereupon, **Senate Bill No. 2594**, as amended, passed its third and final consideration by the following vote:

Ayes 26
Noes 1

Senators voting aye were: Atchley, Bryson, Burchett, Burks, Clabough, Cooper, Crutchfield, Ford, Fowler, Graves, Haynes, Henry, Herron, Jackson, Kilby, Kurita, Kyle, McLeary, McNally, Miller, Norris, Person, Ramsey, Southerland, Trail and Williams--26.

Senator voting no was: Dixon--1.

A motion to reconsider was tabled.

Senator Norris moved that **Senate Bill No. 2711** be placed on the final calendar, which motion prevailed.

Senate Bill No. 2739 -- Naming and Designating -- Names classroom building at Tennessee Fire Service and Codes Enforcement Academy in Bedford County in honor of Senator Andy Womack.

On motion, Senate Bill No. 2739 was made to conform with **House Bill No. 2880**.

On motion, House Bill No. 2880, on same subject, was substituted for Senate Bill No. 2739.

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On motion of Senator Henry, Amendment No. 1 was withdrawn.

Thereupon, **House Bill No. 2880** passed its third and final consideration by the following vote:

Ayes 28

Noes 0

Senators voting aye were: Atchley, Bryson, Burchett, Burks, Clabough, Cooper, Crutchfield, Dixon, Ford, Fowler, Graves, Harper, Haynes, Henry, Herron, Kilby, Kurita, Kyle, McLeary, McNally, Miller, Norris, Person, Ramsey, Southerland, Trail, Williams and Mr. Speaker Wilder--28.

A motion to reconsider was tabled.

Senate Bill No. 2743 -- Education -- Promotes sale of nutritious foods before and during school hours to K-8 students and prohibits sale of foods of minimum nutritional value during such times. Amends TCA Title 49, Chapter 6, Part 23.

On motion, Senate Bill No. 2743 was made to conform with **House Bill No. 2783**.

On motion, House Bill No. 2783, on same subject, was substituted for Senate Bill No. 2743.

On motion of Senator McNally, Amendment No. 1 was withdrawn.

Thereupon, **House Bill No. 2783** passed its third and final consideration by the following vote:

Ayes 28

Noes 0

Senators voting aye were: Atchley, Bryson, Burchett, Burks, Clabough, Cooper, Crutchfield, Dixon, Ford, Fowler, Graves, Harper, Haynes, Henry, Herron, Kilby, Kurita, Kyle, McLeary, McNally, Miller, Norris, Person, Ramsey, Southerland, Trail, Williams and Mr. Speaker Wilder--28.

A motion to reconsider was tabled.

Senate Bill No. 2854 -- Dentists -- Revises scope of practice for dental hygienists and dental assistants, reciprocity for dentists and disciplinary powers of the board of dentistry. Amends TCA Section 63-5-108.

On motion, Senate Bill No. 2854 was made to conform with **House Bill No. 3463**.

On motion, House Bill No. 3463, on same subject, was substituted for Senate Bill No. 2854.

On motion of Senator Ford, Amendment No. 1 was withdrawn.

Thereupon, **House Bill No. 3463** passed its third and final consideration by the following vote:

Ayes 29

Noes 0

Senators voting aye were: Atchley, Bryson, Burchett, Burks, Clabough, Cooper, Crutchfield, Dixon, Ford, Fowler, Graves, Harper, Haynes, Herron, Jackson, Kilby, Kurita, Kyle, McLeary, McNally, Miller, Norris, Person, Ramsey, Southerland, Trail, Williams and Mr. Speaker Wilder--29.

A motion to reconsider was tabled.

Speaker pro tempore Herron moved that **Senate Bill No. 2859** be placed at the heel of the calendar for today, which motion prevailed.

Speaker pro tempore Herron moved that **Senate Bill No. 2860** be placed at the heel of the calendar for today, which motion prevailed.

Speaker pro tempore Herron moved that **Senate Bill No. 2879** be placed at the heel of the calendar for today, which motion prevailed.

Senate Bill No. 2885 -- Tennessee Regulatory Authority -- Enacts the "Calling for 2-1-1 Act". Amends TCA Title 65.

On motion, Senate Bill No. 2885 was made to conform with **House Bill No. 2883**.

On motion, House Bill No. 2883, on same subject, was substituted for Senate Bill No. 2885.

On motion of Senator Cooper, Amendment No. 1 was withdrawn.

Senator Henry moved to amend as follows:

AMENDMENT NO. 2

AMEND in Section 3, as amended, by deleting the words "on a state-wide basis in Tennessee" in amendatory subdivision (a)(2), and by substituting the words "to cover all parts of the State of Tennessee".

On motion, Amendment No. 2 was adopted.

Senator Henry moved to amend as follows:

AMENDMENT NO. 3

AMEND in Section 3, as amended, by deleting the language "Section 1" in amendatory subdivision (2) and by substituting the language "subdivision (a)(1)".

On motion, Amendment No. 3 was adopted.

Thereupon, **House Bill No. 2883**, as amended, passed its third and final consideration by the following vote:

| | |
|---------------------------|----|
| Ayes | 25 |
| Noes | 0 |
| Present, not voting . . . | 1 |

Senators voting aye were: Atchley, Bryson, Burchett, Burks, Clabough, Crutchfield, Dixon, Fowler, Graves, Harper, Haynes, Henry, Herron, Jackson, Kilby, McLeary, McNally, Miller, Norris, Person, Ramsey, Southerland, Trail, Williams and Mr. Speaker Wilder--25.

Senator present and not voting was: Cooper--1.

A motion to reconsider was tabled.

Senate Bill No. 2894 -- Taxes, Exemption -- Exempts educational savings plans from state and local taxation. Amends TCA Section 49-7-822.

On motion, Senate Bill No. 2894 was made to conform with **House Bill No. 2953**.

On motion, House Bill No. 2953, on same subject, was substituted for Senate Bill No. 2894.

Thereupon, **House Bill No. 2953** passed its third and final consideration by the following vote:

| | |
|------------|----|
| Ayes | 27 |
| Noes | 0 |

Senators voting aye were: Atchley, Bryson, Burchett, Burks, Clabough, Cooper, Crutchfield, Dixon, Ford, Fowler, Graves, Harper, Haynes, Henry, Herron, Jackson, Kilby, McLeary, McNally, Miller, Norris, Person, Ramsey, Southerland, Trail, Williams and Mr. Speaker Wilder--27.

A motion to reconsider was tabled.

Senate Bill No. 2900 -- Civil Procedure -- Urges Supreme Court to amend Rule 45 of the Rules of Civil Procedure to add explicit language to subpoenas that state the party must appear or face potential contempt of court charges and penalties for such contempt of court. Amends TCA Title 16, Chapter 3, Part 4; Title 20 and Title 24.

On motion, Senate Bill No. 2900 was made to conform with **House Bill No. 2730**.

On motion, House Bill No. 2730, on same subject, was substituted for Senate Bill No. 2900.

On motion of Senator Person, Amendment No. 1 was withdrawn.

Senator Person moved to amend as follows:

AMENDMENT NO. 2

AMEND by adding the following new section immediately preceding the last section and by renumbering the subsequent section accordingly:

SECTION 2. The provisions of this act do not apply to subpoena forms printed prior to the effective date of this act.

On motion, Amendment No. 2 was adopted.

Thereupon, **House Bill No. 2730**, as amended, passed its third and final consideration by the following vote:

Ayes 28
Noes 0

Senators voting aye were: Atchley, Bryson, Burchett, Burks, Clabough, Cooper, Crutchfield, Dixon, Ford, Fowler, Graves, Harper, Haynes, Henry, Herron, Jackson, Kilby, Kyle, McLeary, McNally, Miller, Norris, Person, Ramsey, Southerland, Trail, Williams and Mr. Speaker Wilder--28.

A motion to reconsider was tabled.

Senate Bill No. 2910 -- Child Custody and Support -- Establishes specific examples of what a "material change in circumstance" means for purposes of modifying a court's prior decree pertaining to a residential parenting arrangement.

On motion, Senate Bill No. 2910 was made to conform with **House Bill No. 2666**.

On motion, House Bill No. 2666, on same subject, was substituted for Senate Bill No. 2910.

On motion of Senator Person, Amendment No. 1 was withdrawn.

Thereupon, **House Bill No. 2666** passed its third and final consideration by the following vote:

Ayes 28
Noes 0

Senators voting aye were: Atchley, Bryson, Burchett, Burks, Clabough, Cooper, Crutchfield, Dixon, Ford, Fowler, Graves, Harper, Haynes, Henry, Herron, Jackson, Kilby, Kyle, McLeary, McNally, Miller, Norris, Person, Ramsey, Southerland, Trail, Williams and Mr. Speaker Wilder--28.

A motion to reconsider was tabled.

Senate Bill No. 135 -- Attorney General and Reporter -- Restricts attorney general from hiring outside counsel who is currently involved in litigation against state, Amends TCA Title 8, Chapter 6, Part 1.

Senator Person moved to amend as follows:

AMENDMENT NO. 1

AMEND by deleting all language after the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 8-6-106, is amended by adding the following sentence to the end of the section:

Notwithstanding any provision of this section or any other law to the contrary, the attorney general and reporter or district attorney general shall inform the governor of, and consideration shall be given to whether, the person or firm to be employed as additional counsel:

(1) To defend the state in any action is then serving as counsel for a party in any action by that party against the state and whether the action, if adjudicated in that party's favor, is likely to result in an increase in state expenditures; or

(2) To prosecute any action on behalf of the state is then serving as counsel in defense of any action against the state.

SECTION 2. Nothing in this act shall be construed to rescind, impair or affect any contracts in effect on June 30, 2004, and shall only apply to contracts entered into, or renewed, on or after July 1, 2004.

SECTION 3. This act shall take effect July 1, 2004, the public welfare requiring it.

On motion, Amendment No. 1 was adopted.

Thereupon, **Senate Bill No. 135**, as amended, passed its third and final consideration by the following vote:

| | |
|------------|----|
| Ayes | 26 |
| Noes | 0 |

Senators voting aye were: Atchley, Bryson, Burchett, Burks, Clabough, Cooper, Crutchfield, Dixon, Ford, Fowler, Graves, Harper, Haynes, Henry, Herron, Kilby, Kyle, McLeary, McNally, Miller, Norris, Ramsey, Southerland, Trail, Williams and Mr. Speaker Wilder--26.

A motion to reconsider was tabled.

Senate Bill No. 2982 -- Public Works Projects -- Authorizes local governments to issue bonds for the extension of railroads. Amends TCA Title 9, Chapter 21.

On motion, Senate Bill No. 2982 was made to conform with **House Bill No. 2539**.

On motion, House Bill No. 2539, on same subject, was substituted for Senate Bill No. 2982.

On motion of Senator Henry, Amendment No. 1 was withdrawn.

Thereupon, **House Bill No. 2539** passed its third and final consideration by the following vote:

| | |
|------------|----|
| Ayes | 27 |
| Noes | 0 |

Senators voting aye were: Atchley, Bryson, Burchett, Burks, Clabough, Cooper, Crutchfield, Dixon, Fowler, Graves, Harper, Haynes, Henry, Herron, Jackson, Kilby, Kyle, McLeary, McNally, Miller, Norris, Person, Ramsey, Southerland, Trail, Williams and Mr. Speaker Wilder--27.

A motion to reconsider was tabled.

MOTION

Senator Burchett moved that the rules be suspended for the immediate consideration of **Senate Resolution No. 216**, out of order, which motion prevailed.

RESOLUTION LYING OVER

Senate Resolution No. 216 -- Memorials, Retirement -- Simon Wiesenthal.

On motion of Senator Burchett, the rules were suspended for the immediate consideration of the resolution.

On motion, **Senate Resolution No. 216** was adopted by the following vote:

Ayes 27
Noes 0

Senators voting aye were: Atchley, Bryson, Burchett, Burks, Clabough, Cooper, Crutchfield, Dixon, Fowler, Graves, Harper, Haynes, Henry, Herron, Jackson, Kilby, Kyle, McLeary, McNally, Miller, Norris, Person, Ramsey, Southerland, Trail, Williams and Mr. Speaker Wilder--27.

A motion to reconsider was tabled.

CALENDAR

Senator Bryson moved that **Senate Bill No. 3022** be rereferred to the Committee on Calendar, which motion prevailed.

Senate Bill No. 3026 -- Day Care -- Prohibits new hires or existing employees from serving as a driver for a child care center until the employee has undergone a drug test and received a negative result. Amends TCA Title 7, Chapter 3, Part 5.

On motion, Senate Bill No. 3026 was made to conform with **House Bill No. 2957**.

On motion, House Bill No. 2957, on same subject, was substituted for Senate Bill No. 3026.

Senator Jackson moved to amend as follows:

AMENDMENT NO. 1

AMEND by deleting the amendatory language of Section 1 in its entirety and by substituting instead the following:

(iii) Such rules shall prohibit a newly hired employee or an existing employee from providing driving duties for a child care center until the employee has undergone a drug test and the results of the test are negative for illegal drug use; provided, however, that such rules shall include provisions for the exception to or restriction of this requirement as it applies to emergency substitutes, volunteers and similar limited circumstance, as deemed appropriate by the department.

On motion, Amendment No. 1 was adopted.

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Thereupon, **House Bill No. 2957**, as amended, passed its third and final consideration by the following vote:

| | |
|------------|----|
| Ayes | 26 |
| Noes | 0 |

Senators voting aye were: Atchley, Bryson, Burchett, Burks, Clabough, Cooper, Crutchfield, Dixon, Fowler, Graves, Harper, Haynes, Henry, Herron, Jackson, Kilby, Kyle, McLeary, McNally, Miller, Person, Ramsey, Southerland, Trail, Williams and Mr. Speaker Wilder--26.

A motion to reconsider was tabled.

Speaker pro tempore Herron moved that **Senate Bill No. 3073** be placed on the calendar for Monday, May 10, 2004, which motion prevailed.

Senate Bill No. 3081 -- Public Health -- Requires schools to inform parents of need for vision and dental screenings when immunization forms indicate such needs. Amends TCA Title 49, Chapter 6, Part 50 and Title 63.

On motion, Senate Bill No. 3081 was made to conform with **House Bill No. 2656**.

On motion, House Bill No. 2656, on same subject, was substituted for Senate Bill No. 3081.

On motion of Senator McNally, Amendment No. 1 was withdrawn.

Thereupon, **House Bill No. 2656** passed its third and final consideration by the following vote:

| | |
|------------|----|
| Ayes | 26 |
| Noes | 0 |

Senators voting aye were: Atchley, Bryson, Burchett, Burks, Clabough, Cooper, Crutchfield, Dixon, Fowler, Graves, Harper, Haynes, Henry, Herron, Jackson, Kilby, Kyle, McLeary, McNally, Miller, Norris, Person, Southerland, Trail, Williams and Mr. Speaker Wilder--26.

A motion to reconsider was tabled.

Senate Bill No. 3101 -- Criminal Offenses -- Rewrites the offense of communication theft, punishes offense as theft, provides civil remedies and statutory damages, combines present offense of cable television theft. Amends TCA Title 7, Chapter 59 and Title 39, Chapter 14.

On motion, Senate Bill No. 3101 was made to conform with **House Bill No. 3391**.

On motion, House Bill No. 3391, on same subject, was substituted for Senate Bill No. 3101.

On motion of Senator Person, Amendment No. 1 was withdrawn.

On motion of Senator Person, Amendment No. 2 was withdrawn.

On motion of Senator Person, Amendment No. 3 was withdrawn.

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On motion of Senator Henry, Amendment No. 4 was withdrawn.

Thereupon, **House Bill No. 3391** passed its third and final consideration by the following vote:

Ayes 27

Noes 0

Senators voting aye were: Atchley, Bryson, Burchett, Burks, Clabough, Cooper, Crutchfield, Dixon, Fowler, Graves, Harper, Haynes, Henry, Herron, Jackson, Kilby, Kyle, McLeary, McNally, Miller, Norris, Person, Ramsey, Southerland, Trail, Williams and Mr. Speaker Wilder--27.

A motion to reconsider was tabled.

Senate Bill No. 3181 -- Criminal Offenses -- Redefines especially aggravated burglary to require that the victim must suffer serious bodily injury OR that the perpetrator was in possession of deadly weapon rather than present requirement that victim suffer serious bodily injury. Amends TCA Title 39.

On motion, Senate Bill No. 3181 was made to conform with **House Bill No. 3397**.

On motion, House Bill No. 3397, on same subject, was substituted for Senate Bill No. 3181.

On motion of Senator Kilby, Amendment No. 1 was withdrawn.

On motion of Senator Person, Amendment No. 2 was withdrawn.

Thereupon, **House Bill No. 3397** passed its third and final consideration by the following vote:

Ayes 26

Noes 0

Senators voting aye were: Atchley, Bryson, Burchett, Burks, Clabough, Cooper, Crutchfield, Dixon, Fowler, Graves, Harper, Haynes, Henry, Herron, Jackson, Kilby, McLeary, McNally, Miller, Norris, Person, Ramsey, Southerland, Trail, Williams and Mr. Speaker Wilder--26.

A motion to reconsider was tabled.

Senate Bill No. 3256 -- Local Inmates -- Allows county or municipality to authorize jail or workhouse administrator to charge inmate nominal fee for special services including participation in scholastic testing and escort by correctional officers to hospital or funeral home. Amends TCA Section 41-4-142.

On motion, Senate Bill No. 3256 was made to conform with **House Bill No. 3364**.

On motion, House Bill No. 3364, on same subject, was substituted for Senate Bill No. 3256.

Senator Harper moved to amend as follows:

AMENDMENT NO. 1

AMEND by deleting subdivision (b)(2) in Section 1 and redesignating the remaining subdivisions accordingly.

On motion, Amendment No. 1 was adopted.

Senator Henry moved to amend as follows:

AMENDMENT NO. 2

AMEND in Section 1, as amended, by adding after the words "a nominal fee" in amendatory subsection (b) the words "set by the legislative body at the time of adoption".

On motion, Amendment No. 2 was adopted.

Senator Henry moved to amend as follows:

AMENDMENT NO. 3

AMEND in Section 1, as amended, by deleting the last sentence of amendatory subsection (c) and by substituting the following:

Nothing in this section as shall be construed as authorizing a county or municipality to deny necessary clothing or hygiene items or to fail to provide the services specified in subsection (b) based on the inmate's inability to pay such fee or costs.

On motion, Amendment No. 3 was adopted.

Thereupon, **House Bill No. 3364**, as amended, passed its third and final consideration by the following vote:

| | |
|------------|----|
| Ayes | 26 |
| Noes | 0 |

Senators voting aye were: Atchley, Bryson, Burchett, Burks, Clabough, Cooper, Crutchfield, Dixon, Fowler, Graves, Harper, Haynes, Henry, Herron, Jackson, Kilby, Kyle, McLeary, McNally, Miller, Norris, Person, Ramsey, Southerland, Trail and Williams--26.

A motion to reconsider was tabled.

Senate Bill No. 3239 -- Scholarships and Financial Aid -- Renames the "Tennessee Student Assistance Award Restoration Act" as the "Ben Atchley Opportunity Grant Act". Amends TCA Section 49-4-801.

On motion, Senate Bill No. 3239 was made to conform with **House Bill No. 3264**.

On motion, House Bill No. 3264, on same subject, was substituted for Senate Bill No. 3239.

Thereupon, **House Bill No. 3264** passed its third and final consideration by the following vote:

Ayes 26
Noes 0

Senators voting aye were: Bryson, Burchett, Burks, Clabough, Cooper, Crutchfield, Dixon, Fowler, Graves, Harper, Haynes, Henry, Herron, Jackson, Kilby, Kyle, McLeary, McNally, Miller, Norris, Person, Ramsey, Southerland, Trail, Williams and Mr. Speaker Wilder--26.

A motion to reconsider was tabled.

Senate Bill No. 3328 -- Public Funds and Financing -- Requires that annual adjustments to the base tax revenues of the tourism development zone be made by the Department of Revenue within 60 days of the end of each fiscal year instead of within 90 days of the end of each fiscal year. Amends TCA Title 7, Chapter 88, Part 1.

On motion, Senate Bill No. 3328 was made to conform with **House Bill No. 3399**.

On motion, House Bill No. 3399, on same subject, was substituted for Senate Bill No. 3328.

On motion of Senator Henry, Amendment No. 1 was withdrawn.

On motion of Senator Henry, Amendment No. 2 was withdrawn.

Senator Clabough moved to amend as follows:

AMENDMENT NO. 3

AMEND by adding the following new section immediately preceding the last section and by renumbering the subsequent section accordingly:

SECTION _____. It is the express intent of the general assembly that the enactment of this act will not affect applications which have already been approved by the state as of May 6, 2004.

Pursuant to Rule 39(3), Amendment No. 3 was adopted by the following vote:

Ayes 24
Noes 0

Senators voting aye were: Atchley, Bryson, Burchett, Burks, Clabough, Cooper, Crutchfield, Dixon, Fowler, Graves, Harper, Haynes, Henry, Herron, Kilby, Kyle, McLeary, McNally, Miller, Person, Ramsey, Trail, Williams and Mr. Speaker Wilder--24.

Thereupon, **House Bill No. 3399**, as amended, passed its third and final consideration by the following vote:

Ayes 25
Noes 0

Senators voting aye were: Atchley, Bryson, Burchett, Burks, Clabough, Cooper, Dixon, Fowler, Graves, Harper, Haynes, Henry, Herron, Kilby, Kyle, McLeary, McNally, Miller, Norris, Person, Ramsey, Southerland, Trail, Williams and Mr. Speaker Wilder--25.

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A motion to reconsider was tabled.

MOTION

Senator Cooper moved that Rule 83 be suspended for the purpose of placing **Senate Bills Nos. 905, 2789, 3169, 3199, 3312 and 3424** on the calendar for the Committee on Commerce, Labor and Agriculture and allowing the committee to meet at the call of the Chair, which motion prevailed.

MOTION

Senator Crutchfield moved that the Proposed Schedule for the week of May 10, 2004, be adopted and made the action of the Senate, which motion prevailed.

TENNESSEE STATE SENATE 103rd GENERAL ASSEMBLY

PROPOSED SCHEDULE FOR THE WEEK OF MAY 10, 2004

MONDAY – May 10

| | |
|-----------|---|
| 3:45 p.m. | General Welfare, Health & Human Resources (Speaker's Capitol Office) |
| 4:00 p.m. | Session – Senate Chamber |

TUESDAY – May 11

| | |
|------------------------|---------------------------------|
| 8:30 a.m. – 12:30 p.m. | Judiciary Committee |
| 12:30 p.m. – 1:30 p.m. | Lunch |
| 1:30 p.m. – 3:30 p.m. | Finance, Ways & Means Committee |

WEDNESDAY – May 12

| | |
|-------------------------|---|
| 8:30 a.m. – 11:30 a.m. | Education Committee |
| 11:30 a.m. – 12:30 p.m. | Government Operations Committee |
| 12:30 p.m. – 1:30 p.m. | Lunch |
| 1:30 p.m. – 5:30 p.m. | Finance, Ways & Means Committee No Floor Session |

THURSDAY – May 13

| | |
|-----------|--------------------------|
| 9:00 a.m. | Session – Senate Chamber |
|-----------|--------------------------|

OTHER MEETINGS:

| | |
|------------------------|---|
| Monday, May 10, 2004 – | Select Oversight Committee on Corrections 1:30 p.m. – Room 30 LP |
|------------------------|---|

NOTE: The Commerce, Labor & Agriculture; Environment, Conservation & Tourism; General Welfare, Health & Human Resources; State & Local Government; and Transportation Committees will meet again only at the call of the chair.

CALENDAR

Senator Cooper moved that **Senate Bill No. 3427** be placed on the calendar for Monday, May 10, 2004, which motion prevailed.

Senate Bill No. 3429 -- Taxes, Sales -- Establishes procedures for purchasers and sellers to request refund for sales tax collected from customers on charges for Internet access which under the Prodigy decision were ruled to be not subject to sales and use tax in Tennessee. Amends Tennessee Code Annotated, Title 67.

On motion, Senate Bill No. 3429 was made to conform with **House Bill No. 3484**.

On motion, House Bill No. 3484, on same subject, was substituted for Senate Bill No. 3429.

On motion of Senator Henry, Amendment No. 1 was withdrawn.

Thereupon, **House Bill No. 3484** passed its third and final consideration by the following vote:

| | |
|------------|----|
| Ayes | 24 |
| Noes | 0 |

Senators voting aye were: Atchley, Bryson, Burchett, Burks, Clabough, Cooper, Crutchfield, Dixon, Fowler, Graves, Harper, Haynes, Henry, Herron, Jackson, Kilby, Kyle, McLeary, McNally, Person, Ramsey, Trail, Williams and Mr. Speaker Wilder--24.

A motion to reconsider was tabled.

Senate Bill No. 3457 -- Taxes -- Revises various tax provisions including allowing payment of taxes by credit and debit cards, establishing procedures for requesting an extension of time to file excise and franchise tax returns, and authorizing the Commissioner of Revenue to enter into certain agreements. Amends TCA Title 67, Chapter 1, Chapter 4, and Chapter 6.

On motion, Senate Bill No. 3457 was made to conform with **House Bill No. 3544**.

On motion, House Bill No. 3544, on same subject, was substituted for Senate Bill No. 3457.

Senator Kyle moved that Amendment No. 1 be placed behind Amendment No. 2, which motion prevailed.

On motion of Senator Henry, Amendment No. 2 was withdrawn.

On motion of Senator Kyle, Amendment No. 1 was withdrawn.

Senator Kyle moved that **House Bill No. 3544** be placed on the calendar for Monday, May 10, 2004, which motion prevailed.

Senate Joint Resolution No. 685 -- General Assembly, Statement of Intent or Position -- Urges adequate funding for alternative school programs.

Senator McNally moved to amend as follows:

AMENDMENT NO. 1

AMEND by deleting all of the language and punctuation of the resolution, and by substituting instead the following:

A RESOLUTION to urge the State of Tennessee to provide adequate funding for alternative education programs in Tennessee.

WHEREAS, every local education agency that operates a secondary school, grades 7-12, is required to provide an alternative school or alternative school program; and

WHEREAS, every local education agency that operates an elementary school, grades 1-6, is authorized to provide an alternative school or alternative school program; and

WHEREAS, alternative schools and programs are a necessity to meet the special needs of a select number of students in a school system who have been referred to the alternative school due to a disciplinary action; and

WHEREAS, such students may not have received the benefits of proper social development or mastered the cognitive skills necessary to be successful in a regular classroom. Through attendance at an alternative school many students can return and succeed in their regular school; and

WHEREAS, it is imperative to the success of this state's children, and hence its economy and the total welfare of its people, that all alternative schools and alternative school programs be available to meet the needs of students; now, therefore,

BE IT RESOLVED BY THE SENATE OF THE ONE HUNDRED THIRD GENERAL ASSEMBLY OF THE STATE OF TENNESSEE, THE HOUSE OF REPRESENTATIVES CONCURRING, that this general assembly expresses its unwavering support for alternative school programs.

BE IT FURTHER RESOLVED, that the Basic Education Program Review Committee is urged to make a thorough review and assessment of the alternative schools component in the BEP funding formula.

BE IT FURTHER RESOLVED, that a certified copy of this resolution be transmitted to the Commissioner of Education and the Executive Director of the State Board of Education.

On motion, Amendment No. 1 was adopted.

Thereupon, **Senate Joint Resolution No. 685**, as amended, was adopted by the following vote:

Ayes 25
Noes 0

Senators voting aye were: Atchley, Bryson, Burchett, Burks, Clabough, Cooper, Crutchfield, Dixon, Fowler, Graves, Harper, Haynes, Henry, Herron, Jackson, Kilby, Kyle, McLeary, McNally, Miller, Norris, Person, Ramsey, Trail and Williams--25.

A motion to reconsider was tabled.

Senate Joint Resolution No. 686 -- General Assembly, Statement of Intent or Position -- Urges more state funding for dropout prevention programs.

Senator McNally moved to amend as follows:

AMENDMENT NO. 1

AMEND by deleting all of the language and punctuation following the words "now, therefore" and by substituting instead the following:

BE IT RESOLVED BY THE SENATE OF THE ONE HUNDRED THIRD GENERAL ASSEMBLY OF THE STATE OF TENNESSEE, THE HOUSE OF REPRESENTATIVES CONCURRING, that this general assembly expresses its unwavering support for an increase and a focus on the utilization, development, and implementation of dropout prevention programs.

BE IT FURTHER RESOLVED, that the Department of Education and the State Board of Education are encouraged to provide assistance in the development and implementation of these programs.

BE IT FURTHER RESOLVED, that a certified copy of this resolution be transmitted to the Commissioner of Education and the Executive Director of the State Board of Education.

On motion, Amendment No. 1 was adopted.

Thereupon, **Senate Joint Resolution No. 686**, as amended, was adopted by the following vote:

| | |
|------------|----|
| Ayes | 25 |
| Noes | 0 |

Senators voting aye were: Atchley, Bryson, Burchett, Burks, Clabough, Cooper, Crutchfield, Dixon, Fowler, Graves, Harper, Haynes, Henry, Herron, Jackson, Kilby, Kyle, McLeary, McNally, Miller, Norris, Person, Ramsey, Trail and Williams--25.

A motion to reconsider was tabled.

Senate Joint Resolution No. 695 -- General Assembly, Statement of Intent or Position -- Urges expansion of early childhood education initiatives.

Senator McNally moved to amend as follows:

AMENDMENT NO. 1

AMEND by deleting the second resolving clause and substituting instead the following:

BE IT FURTHER RESOLVED, that we hereby urge and encourage the Governor to include such an earmarked appropriation within the administration's General Appropriations Act for fiscal year 2004-2005 and subsequent fiscal years.

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On motion, Amendment No. 1 was adopted.

Thereupon, **Senate Joint Resolution No. 695**, as amended, was adopted by the following vote:

Ayes 24
Noes 0

Senators voting aye were: Atchley, Bryson, Burchett, Burks, Clabough, Cooper, Crutchfield, Dixon, Graves, Harper, Haynes, Henry, Herron, Jackson, Kilby, Kyle, McLeary, McNally, Miller, Norris, Person, Ramsey, Trail and Williams--24.

A motion to reconsider was tabled.

Senate Resolution No. 158 -- General Assembly, Statement of Intent or Position -- Urges Secretary of Health and Human Services and Tennessee congressional delegation to take necessary steps to stop sale and importation of prescription drugs and controlled substances over the Internet.

Senator McNally moved to amend as follows:

AMENDMENT NO. 1

AMEND by deleting all of Senate Joint Resolution 158, as introduced, and substituting the following:

A RESOLUTION To urge the U.S. Secretary of Health and Human Services and the Tennessee congressional delegation to prohibit the sale and importation of controlled substances over the Internet and from foreign countries.

WHEREAS, the health and safety of the citizens of the United States is of the utmost importance and the proliferation of hundreds of drug dispensing websites on the Internet, which lure American consumers to buy controlled substances from foreign sources, holds much potential harm and danger; and

WHEREAS, the U.S. Food and Drug Administration (FDA) is significantly concerned about U.S. consumers buying controlled substances from foreign sources and has publicly declared that the agency cannot ensure the safety of drugs bought from these sources; and

WHEREAS, according to the FDA, purchasing a medication over the Internet puts a consumer at risk of receiving a contaminated or counterfeit product, the wrong product, an incorrect dose, or no product at all; and

WHEREAS, the FDA also states that taking an unsafe or inappropriate medication puts a consumer at risk for dangerous drug interactions and other serious health consequences; and

WHEREAS, the common Internet pharmacy procedure of having a prescription filled by completing a questionnaire without seeing a physician has been deemed by the American Medical Association as substandard medical care and a serious health risk; and

WHEREAS, the potential dangers and risks to the health and well-being of U.S. citizens by the importation and/or online purchasing of controlled substances require the expeditious prohibition of such activities to ensure the public safety; now, therefore,

BE IT RESOLVED BY THE SENATE OF THE ONE HUNDRED THIRD GENERAL ASSEMBLY OF THE STATE OF TENNESSEE, that this legislative body hereby urges U.S. Secretary of Health and Human Services, Tommy Thompson, Surgeon General Richard H. Carmona, Senator Bill Frist, Senator Lamar Alexander and the Tennessee congressional delegation to take the necessary steps to stop the sale of controlled substances over the Internet, as well as the importation of controlled substances from outside the country.

BE IT FURTHER RESOLVED, that an enrolled copy of this resolution be transmitted to the Honorable Tommy Thompson, Secretary of Health and Human Services, Surgeon General Richard H. Carmona and each member of Tennessee's congressional delegation.

On motion, Amendment No. 1 was adopted.

Senator McNally moved that **Senate Resolution No. 158**, as amended, be moved five places down on the calendar for today, which motion prevailed.

Senate Bill No. 1042 -- Remedies and Special Proceedings -- Allows judge to approve settlement of tort claim involving minor by relying on affidavit from legal guardian. Amends TCA Title 29.

On motion, Senate Bill No. 1042 was made to conform with **House Bill No. 1004**.

On motion, House Bill No. 1004, on same subject, was substituted for Senate Bill No. 1042.

On motion of Senator Person, Amendment No. 1 was withdrawn.

Thereupon, **House Bill No. 1004** passed its third and final consideration by the following vote:

Ayes 26
Noes 0

Senators voting aye were: Atchley, Bryson, Burchett, Burks, Clabough, Cooper, Crutchfield, Dixon, Fowler, Graves, Harper, Haynes, Henry, Herron, Jackson, Kilby, Kyle, McLeary, McNally, Miller, Norris, Person, Ramsey, Southerland, Trail and Williams--26.

A motion to reconsider was tabled.

Speaker pro tempore Herron moved that **Senate Bill No. 1152** be placed on the calendar for Monday, May 10, 2004, which motion prevailed.

MR. SPEAKER WILDER RESUMES CHAIR

Mr. Speaker Wilder resumed the Chair.

Senate Bill No. 1550 -- Education -- Redefines "low performing schools and school districts" as "high priority schools and school districts". Amends TCA Title 49.

On motion, Senate Bill No. 1550 was made to conform with **House Bill No. 1175**.

On motion, House Bill No. 1175, on same subject, was substituted for Senate Bill No. 1550.

Senator Dixon moved that **House Bill No. 1175** be moved one place down on the calendar for today, which motion prevailed.

Senate Bill No. 2391 -- Boards and Commissions -- Revises duties of alarms systems contractors board to include prescribing tests required for registration, testing requirements and test fees. Amends TCA Title 62, Chapter 32.

On motion of Senator Cooper, Amendment No. 1 was withdrawn.

Senator Haynes moved to amend as follows:

AMENDMENT NO. 2

AMEND by deleting all language following the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 62-32-312, is amended by deleting the existing language in subsection (c) and substituting the following new language:

An alarm systems contractor may not employ any employee required to be registered with the board unless the employee is properly registered with the board in compliance with subsection (d) and meets the training requirements of subsection (g).

SECTION 2. Tennessee Code Annotated, Section 62-32-312, is amended by adding the following new subsections:

(g) All alarm system contractor employees who sell, install or repair alarm systems, including closed circuit television systems, shall take and successfully complete the National Burglar and Fire Alarm Association Level 1 or equivalent training. The board may determine what constitutes equivalent training.

(1) Current employees must successfully complete the Level 1 or equivalent training within two (2) years of the effective date of the act.

(2) New employees after the effective date of the act must successfully complete such training within one (1) year of employment.

(3) Employees not in compliance with this subsection shall not sell, install or repair alarm systems, including closed circuit television systems.

(h) All alarm system contractors shall provide proof of employee training upon request by the board.

SECTION 3. This act shall take effect upon January 1, 2005, the public welfare requiring it.

Senator Haynes moved that **Senate Bill No. 2391** be moved five places down on the calendar for today, which motion prevailed.

FURTHER ACTION ON HOUSE BILL NO. 1175

Senator McNally moved to amend as follows:

AMENDMENT NO. 1

AMEND by adding the following new section immediately preceding the last section and by renumbering the subsequent section accordingly:

SECTION ____ Tennessee Code Annotated, Section 49-1-207(a), is amended by deleting the first sentence of the subsection and by substituting instead the following:

The Commissioner of Education may authorize up to twenty-four (24) school systems or any part thereof to operate as innovative educational programs which emphasize school-based decision making and the creation of small learning communities.

On motion, Amendment No. 1 was adopted.

Senator Dixon moved to amend as follows:

AMENDMENT NO. 2

AMEND by adding the following new section immediately preceding the last section of the bill as amended and by renumbering the subsequent section accordingly:

SECTION ____ Tennessee Code Annotated, Section 49-1-207(a), is amended by deleting the following sentence:

The commissioner, subject to approval by the State Board of Education, may award grants to individual school systems of up to fifty thousand dollars (\$50,000), for LEAs for planning and implementation purposes.

Senator Dixon moved that **House Bill No. 1175**, as amended, be moved three places down on the calendar for today, which motion prevailed.

Senate Bill No. 2658 -- Taxes, Litigation -- Allows counties, by two-thirds vote, to set and collect a litigation tax on litigation in general sessions, juvenile and municipal courts in that county to be used to fund a not-for-profit drug testing program in public schools. Amends TCA Title 67, Chapter 4.

On motion, Senate Bill No. 2658 was made to conform with **House Bill No. 2565**.

On motion, House Bill No. 2565, on same subject, was substituted for Senate Bill No. 2658.

Senator Kilby moved to amend as follows:

AMENDMENT NO. 1

AMEND in subdivision (c)(1) of the amendatory language of Section 1 of the printed bill by deleting the words "the county commission" and substituting the language "the county commission or the municipal legislative body, as appropriate,".

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On motion, Amendment No. 1 was adopted.

On motion of Senator Kilby, Amendment No. 2 was withdrawn.

On motion of Senator Person, Amendment No. 3 was withdrawn.

Thereupon, **House Bill No. 2565**, as amended, passed its third and final consideration by the following vote:

| | |
|------------|----|
| Ayes | 26 |
| Noes | 0 |

Senators voting aye were: Atchley, Bryson, Burchett, Burks, Clabough, Cooper, Crutchfield, Dixon, Fowler, Graves, Harper, Haynes, Henry, Herron, Jackson, Kilby, Kyle, McLeary, McNally, Miller, Norris, Person, Ramsey, Trail, Williams and Mr. Speaker Wilder--26.

A motion to reconsider was tabled.

FURTHER ACTION ON SENATE RESOLUTION NO. 158, AS AMENDED

Senator McNally moved that **Senate Resolution No. 158**, as amended, be placed on the calendar for Monday, May 10, 2004, which motion prevailed.

Senate Bill No. 2659 -- Taxes, Sales -- Provides for distribution to Campbell County of certain sales taxes collected in a portion of that county. Amends TCA Title 67, Chapter 6.

On motion, Senate Bill No. 2659 was made to conform with **House Bill No. 2553**.

On motion, House Bill No. 2553, on same subject, was substituted for Senate Bill No. 2659.

On motion of Senator Henry, Amendment No. 1 was withdrawn.

Senator Kilby moved that **House Bill No. 2553** be placed on the calendar for Monday, May 10, 2004, which motion prevailed.

FURTHER ACTION ON SENATE BILL NO. 2391

Senator Haynes moved that **Senate Bill No. 2391** be placed on the calendar for Monday, May 10, 2004, which motion prevailed.

Senate Bill No. 2796 -- Education -- Grants access to certain information about public high school students to official recruiting representatives of U.S. Armed Forces and Tennessee National Guard. Amends TCA Title 49.

Senator Burchett moved to amend as follows:

AMENDMENT NO. 1

AMEND by adding the following new subsections to Section 6:

(d) A criminal background check shall be conducted on each official recruiting representative pursuant to Section 6 as provided in subsection (a) before any such representative is permitted access to a high school campus or its student directory information.

(e) No telephone call shall be made by an official recruiting representative pursuant to Section 6 to a telephone number which is included on the state or federal Do Not Call Register.

On motion, Amendment No. 1 was adopted.

Thereupon, **Senate Bill No. 2796**, as amended, passed its third and final consideration by the following vote:

Ayes 25
Noes 0

Senators voting aye were: Atchley, Bryson, Burchett, Burks, Clabough, Cooper, Crutchfield, Dixon, Fowler, Graves, Haynes, Henry, Herron, Jackson, Kilby, McLeary, McNally, Miller, Norris, Person, Ramsey, Southerland, Trail, Williams and Mr. Speaker Wilder--25.

A motion to reconsider was tabled.

Senate Bill No. 3198 -- Public Utilities -- Prohibits privately owned public utility supplying water to municipal government from charging rates, tolls, or schedules in connection with fire hydrant service to municipal government providing fire protection services within the service area. Amends TCA Section 65-5-201.

On motion, Senate Bill No. 3198 was made to conform with **House Bill No. 3240**.

On motion, House Bill No. 3240, on same subject, was substituted for Senate Bill No. 3198.

On motion of Senator Crutchfield, Amendment No. 1 was withdrawn.

Thereupon, **House Bill No. 3240** passed its third and final consideration by the following vote:

Ayes 27
Noes 0

Senators voting aye were: Atchley, Bryson, Burchett, Burks, Clabough, Cooper, Crutchfield, Dixon, Fowler, Graves, Harper, Haynes, Henry, Herron, Jackson, Kilby, Kyle, McLeary, McNally, Miller, Norris, Person, Ramsey, Southerland, Trail, Williams and Mr. Speaker Wilder--27.

A motion to reconsider was tabled.

FURTHER ACTION ON HOUSE BILL NO. 1175, AS AMENDED

On motion, Amendment No. 2 was adopted.

Senator Dixon moved to amend as follows:

AMENDMENT NO. 3

AMEND by adding the following new section immediately preceding the last section of the bill as amended and by renumbering the subsequent section accordingly:

SECTION ____, Tennessee Code Annotated, Section 49-1-207, is amended by adding the following language as new, appropriately designated subsections:

() No provision of this section shall be construed to impact agreements negotiated under Title 49, Chapter 5, Part 6, the Educational Professional Negotiations Act.

() A school operating an innovative education program in accordance with this section is not a charter school and cannot convert to a charter school after being authorized under this section to conduct an innovative education program.

Pursuant to Rule 39(3), Amendment No. 3 was adopted by the following vote:

Ayes 27
Noes 0

Senators voting aye were: Atchley, Bryson, Burchett, Burks, Clabough, Cooper, Crutchfield, Dixon, Fowler, Graves, Harper, Haynes, Henry, Herron, Jackson, Kilby, Kyle, McLeary, McNally, Miller, Norris, Person, Ramsey, Southerland, Trail, Williams and Mr. Speaker Wilder--27.

Thereupon, **House Bill No. 1175**, as amended, passed its third and final consideration by the following vote:

Ayes 26
Noes 0

Senators voting aye were: Atchley, Bryson, Burchett, Burks, Clabough, Cooper, Crutchfield, Dixon, Fowler, Graves, Harper, Haynes, Henry, Herron, Kilby, Kyle, McLeary, McNally, Miller, Norris, Person, Ramsey, Southerland, Trail, Williams and Mr. Speaker Wilder--26.

A motion to reconsider was tabled.

MOTION

Senator Herron moved that **Senate Bill No. 2879** be considered next, out of order, which motion prevailed.

Senate Bill No. 2879 -- Medical Occupations -- Authorizes radiologists to utilize certain assistants who possess certain credentials. Amends TCA Title 63, Chapter 6 and Title 63, Chapter 9.

On motion, Senate Bill No. 2879 was made to conform with **House Bill No. 2515**.

On motion, House Bill No. 2515, on same subject, was substituted for Senate Bill No. 2879.

On motion of Senator Jackson, Amendment No. 1 was withdrawn.

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Thereupon, **House Bill No. 2515** passed its third and final consideration by the following vote:

Ayes 26
Noes 0

Senators voting aye were: Atchley, Bryson, Burchett, Burks, Clabough, Cooper, Crutchfield, Dixon, Fowler, Graves, Harper, Haynes, Henry, Herron, Jackson, Kyle, McLeary, McNally, Miller, Norris, Person, Ramsey, Southerland, Trail, Williams and Mr. Speaker Wilder--26.

A motion to reconsider was tabled.

Senator Cooper moved that **Senate Bill No. 3300** be placed on the calendar for Thursday, May 13, 2004, which motion prevailed.

Mr. Speaker Wilder moved that **Senate Bill No. 3336** be placed on the calendar for Monday, May 10, 2004, which motion prevailed.

House Bill No. 1249 -- Ethics -- Requires disclosure of consulting contracts by members of general assembly. Amends TCA Title 2, Chapter 10; Title 3 and Title 12, as amended.

Senator Trail moved that **House Bill No. 1249**, as amended, be moved two places down on the calendar for today, which motion prevailed.

Senate Bill No. 2859 -- Local Education Agency -- Provides that school board can extend contract of director of schools only if prior notice of such action is given and it is included as a specific item on the board meeting agenda. Amends TCA Section 49-2-203.

On motion, Senate Bill No. 2859 was made to conform with **House Bill No. 2934**.

On motion, House Bill No. 2934, on same subject, was substituted for Senate Bill No. 2859.

Senator McNally moved to amend as follows:

AMENDMENT NO. 1

AMEND in amendatory subdivision (C) of Section 1 of the printed bill by adding after the words "intent to do so" the language "at least ten (10) calendar days".

On motion, Amendment No. 1 was adopted.

Thereupon, **House Bill No. 2934**, as amended, passed its third and final consideration by the following vote:

Ayes 25
Noes 0

Senators voting aye were: Atchley, Bryson, Burchett, Burks, Clabough, Cooper, Crutchfield, Fowler, Graves, Harper, Haynes, Henry, Herron, Jackson, Kyle, McLeary, McNally, Miller, Norris, Person, Ramsey, Southerland, Trail, Williams and Mr. Speaker Wilder--25.

A motion to reconsider was tabled.

Senate Bill No. 2860 -- Taxes, Gasoline, Petroleum Products -- Allows Commissioner of Revenue to waive penalties for use of untaxed fuel in leased vehicles. Amends TCA Title 67, Chapter 3.

Senator Herron moved to amend as follows:

AMENDMENT NO. 1

AMEND by deleting all of the language after the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 67-3-809(e), is amended by redesignating subsection (e) to be subdivision (e)(1), and by adding the following new subdivision:

(2) The commissioner may waive in whole or in part the civil penalty provided for in this subsection upon the commissioner's determination that such penalty did not result from negligence or willful disregard of the law, provided that such authority to waive the penalty shall be subject to the provisions of § 67-1-803(b) and (e).

SECTION 2. This act shall take effect upon becoming a law, the public welfare requiring it.

On motion, Amendment No. 1 was adopted.

Thereupon, **Senate Bill No. 2860**, as amended, passed its third and final consideration by the following vote:

| | |
|----------------|----|
| Ayes | 25 |
| Noes | 0 |

Senators voting aye were: Atchley, Bryson, Burchett, Burks, Clabough, Cooper, Crutchfield, Fowler, Graves, Harper, Haynes, Henry, Herron, Jackson, Kyle, McLeary, McNally, Miller, Norris, Person, Ramsey, Southerland, Trail, Williams and Mr. Speaker Wilder--25.

A motion to reconsider was tabled.

FURTHER ACTION ON HOUSE BILL NO. 1249, AS AMENDED

Senator Trail moved that **House Bill No. 1249**, as amended, be placed on the calendar for Monday, May 10, 2004, which motion prevailed.

MOTION

Senator Trail moved that the rules be suspended for the immediate consideration of **Senate Joint Resolution No. 991**, out of order, which motion prevailed.

RESOLUTION LYING OVER

Senate Joint Resolution No. 991 -- Memorials, Sports -- Shelbyville Central High School Golden Eaglettes, 2004 Class AAA State Champions.

On motion of Senator Trail, the rules were suspended for the immediate consideration of the resolution.

On motion, **Senate Joint Resolution No. 991** was adopted by the following vote:

| | |
|----------------|----|
| Ayes | 24 |
| Noes | 0 |

Senators voting aye were: Atchley, Bryson, Burchett, Burks, Clabough, Cooper, Crutchfield, Fowler, Graves, Harper, Haynes, Henry, Herron, Jackson, Kyle, McLeary, McNally, Miller, Person, Ramsey, Southerland, Trail, Williams and Mr. Speaker Wilder--24.

A motion to reconsider was tabled.

MOTION

Senator Henry moved that the notice provisions of Rule 83(8) be suspended for the purpose of allowing any bills that pass out of standing committees, and are referred to the Committee on Finance, Ways and Means, to be heard in the next meeting of the Committee on Finance, Ways and Means, which motion prevailed.

MOTION

Senator Henry moved that Rule 83 be suspended for the purpose of allowing the Committee on Finance, Ways and Means to meet immediately after Session today to consider **Senate Joint Resolution No. 800**, which motion prevailed.

NOTICES

Pursuant to Rule 44, notice was given that the following bills were returned from the House of Representatives amended. Under the rule, the bills lie over.

MESSAGE FROM THE HOUSE

May 6, 2004

MR. SPEAKER: I am directed to return to the Senate, Senate Bill No. 348, substituted for House Bill on same subject, amended, and passed by the House.

BURNEY T. DURHAM,
Chief Clerk.

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MESSAGE FROM THE HOUSE

May 6, 2004

MR. SPEAKER: I am directed to return to the Senate, Senate Bill No. 2346, substituted for House Bill on same subject, amended, and passed by the House.

BURNEY T. DURHAM,
Chief Clerk.

MESSAGE FROM THE HOUSE

May 6, 2004

MR. SPEAKER: I am directed to return to the Senate, Senate Bill No. 3359, substituted for House Bill on same subject, amended, and passed by the House.

BURNEY T. DURHAM,
Chief Clerk.

STANDING COMMITTEE REPORT

FINANCE, WAYS AND MEANS

MR. SPEAKER: Your Committee on Finance, Ways and Means begs leave to report that we have carefully considered and recommend for passage: Senate Joint Resolution No. 800 with amendment.

HENRY, Chairperson
May 6, 2004

The Speaker announced that he had referred Senate Joint Resolution No. 800 with amendment to Committee on Calendar.

RECALL OF BILL

On motion of Mr. Speaker Wilder, **Senate Bill No. 2364** was recalled from the Committee on Finance, Ways and Means.

REFERRAL

Mr. Speaker Wilder moved that Senate Bill No. 2364 be referred to the Committee on Calendar, which motion prevailed.

MOTION

On motion of Senator Graves, her name was added as sponsor of **House Joint Resolutions Nos. 1132 and 1133**.

On motion of Senator Kilby, his name was added as sponsor of **Senate Bills Nos. 25 and 2473**.

On motion of Senator Cooper, his name was added as sponsor of **House Joint Resolution No. 1135**.

On motion of Senator Herron, his name was added as sponsor of **House Joint Resolution No. 837; Senate Joint Resolution No. 1031; and Senate Bill No. 2252**.

On motion of Senator Fowler, his name was added as sponsor of **Senate Bills Nos. 2582, 2894, 3198 and 3228**.

On motion of Senator Burks, her name was added as sponsor of **Senate Bills Nos. 2143, 2452 and 2794**.

On motion of Senator Norris, his name was added as sponsor of **House Joint Resolution No. 1126; and Senate Bills Nos. 2594, 3159 and 3392**.

On motion of Senator Atchley, his name was removed as sponsor of **Senate Bill No. 117**.

On motion of Senator Bryson, his name was added as prime sponsor of **Senate Bill No. 117**.

On motion of Senator Bryson, his name was added as sponsor of **Senate Bill No. 2594**.

On motion of Senator Kyle, his name was added as prime sponsor of **Senate Bill No. 3277 and House Joint Resolution No. 1126**.

On motion of Senator Clabough, his name was added as sponsor of **Senate Bill No. 3159**.

On motion of Senator Jackson, his name was added as sponsor of **Senate Bill No. 2143**.

On motion of Senators Beavers, Bryson, Burchett, Burks, Clabough, Cohen, Cooper, Crowe, Crutchfield, Dixon, Ford, Fowler, Graves, Harper, Haynes, Henry, Herron, Jackson, Ketron, Kilby, Kurita, Kyle, McLeary, McNally, Miller, Norris, Person, Ramsey, Southerland, Trail, Williams and Mr. Speaker Wilder, their names were added as sponsors of **Senate Bill No. 3239**.

On motion of Senator Dixon, his name was added as sponsor of **House Joint Resolutions Nos. 1126 and 1130; and Senate Bills Nos. 2290, 3026 and 3392**.

On motion of Senator McNally, his name was added as sponsor of **Senate Joint Resolution No. 1035**.

On motion, all Senators' names were added as sponsors of **Senate Joint Resolutions Nos. 1037 and 1041; and Senate Bill No. 2739**.

On motion of Senators Harper and Henry, their names were added as sponsors of **Senate Joint Resolution No. 1064**.

On motion of Senator Kurita, her name was added as sponsor of **Senate Bill No. 3392**.

On motion of Senator Person, his name was added as sponsor of **House Joint Resolution No. 1126**.

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On motion of Senator Ford, his name was added as prime sponsor of **Senate Bill No. 2497**.

ENGROSSED BILLS

May 6, 2004

MR. SPEAKER: Your Chief Engrossing Clerk begs leave to report that we have carefully examined Senate Joint Resolution No. 1140, and find same correctly engrossed and ready for transmission to the House.

PATRICK W. MERKEL,
Chief Engrossing Clerk.

ENGROSSED BILLS

May 6, 2004

MR. SPEAKER: Your Chief Engrossing Clerk begs leave to report that we have carefully examined Senate Joint Resolutions Nos. 1031, 1032, 1033, 1034, 1035, 1036, 1037, 1038, 1039, 1040, 1041, 1043, 1045, 1046, 1047, 1048, 1049, 1053, 1054, 1055, 1056, 1057, 1058, 1059, 1060, 1063, 1064 and 1065; and find same correctly engrossed and ready for transmission to the House.

PATRICK W. MERKEL,
Chief Engrossing Clerk.

ENGROSSED BILLS

May 6, 2004

MR. SPEAKER: Your Chief Engrossing Clerk begs leave to report that we have carefully examined Senate Bills Nos. 2616 and 2645, and find same correctly engrossed and ready for transmission to the House.

PATRICK W. MERKEL,
Chief Engrossing Clerk.

ENGROSSED BILLS

May 6, 2004

MR. SPEAKER: Your Chief Engrossing Clerk begs leave to report that we have carefully examined Senate Bill No. 3502, and find same correctly engrossed and ready for transmission to the House.

PATRICK W. MERKEL,
Chief Engrossing Clerk.

ENGROSSED BILLS

May 6, 2004

MR. SPEAKER: Your Chief Engrossing Clerk begs leave to report that we have carefully examined Senate Bills Nos. 135, 2594, 2796 and 2860; and Senate Joint Resolutions Nos. 685, 686, 695 and 991; and find same correctly engrossed and ready for transmission to the House.

PATRICK W. MERKEL,
Chief Engrossing Clerk.

MESSAGE FROM THE HOUSE

May 5, 2004

MR. SPEAKER: I am directed to transmit to the Senate, House Bills Nos. 2629, 2639, 2653, 2783, 3131, 3216, 3364, 3404, 3463, 3513 and 3514; passed by the House.

BURNEY T. DURHAM,
Chief Clerk.

MESSAGE FROM THE HOUSE

May 6, 2004

MR. SPEAKER: I am directed to transmit to the Senate, House Bills Nos. 2672 and 3498, passed by the House.

BURNEY T. DURHAM,
Chief Clerk.

MESSAGE FROM THE HOUSE

May 6, 2004

MR. SPEAKER: I am directed to transmit to the Senate, House Bill No. 3391, passed by the House.

BURNEY T. DURHAM,
Chief Clerk.

MESSAGE FROM THE HOUSE

May 6, 2004

MR. SPEAKER: I am directed to transmit to the Senate, House Bill No. 3397, passed by the House.

BURNEY T. DURHAM,
Chief Clerk.

MESSAGE FROM THE HOUSE

May 6, 2004

MR. SPEAKER: I am directed to transmit to the Senate, House Bills Nos. 2336, 2666, 3590 and 3602; passed by the House.

BURNEY T. DURHAM,
Chief Clerk.

MESSAGE FROM THE HOUSE

May 6, 2004

MR. SPEAKER: I am directed to transmit to the Senate, House Bills Nos. 2156, 2356, 2502, 2565, 2659, 3005, 3319, 3337 and 3427; passed by the House.

BURNEY T. DURHAM,
Chief Clerk.

MESSAGE FROM THE HOUSE

May 6, 2004

MR. SPEAKER: I am directed to transmit to the Senate, House Bills Nos. 3512 and 3529, passed by the House.

BURNEY T. DURHAM,
Chief Clerk.

MESSAGE FROM THE HOUSE

May 5, 2004

MR. SPEAKER: I am directed to transmit to the Senate, House Joint Resolutions Nos. 1002, 1006, 1076, 1079, 1145, 1147, 1148, 1149, 1150, 1151, 1152, 1153, 1154, 1155, 1156, 1157, 1158, 1159, 1160, 1161, 1162, 1163, 1164, 1165, 1166, 1167, 1168, 1169, 1170, 1171, 1172, 1173, 1174, 1175, 1176, 1177, 1178, 1179, 1180, 1181, 1182, 1183, 1184, 1185, 1186, 1187, 1188, 1189, 1190, 1192, 1193, 1194, 1195, 1196, 1199, 1200, 1201, 1202, 1204, 1205 and 1206; adopted, for the Senate's action.

BURNEY T. DURHAM,
Chief Clerk.

MESSAGE FROM THE HOUSE

May 6, 2004

MR. SPEAKER: I am directed to transmit to the Senate, House Joint Resolutions Nos. 939 and 1011, adopted, for the Senate's action.

BURNEY T. DURHAM,
Chief Clerk.

MESSAGE FROM THE HOUSE

May 6, 2004

MR. SPEAKER: I am directed to transmit to the Senate, House Joint Resolution No. 1207, adopted, for the Senate's action.

BURNEY T. DURHAM,
Chief Clerk.

MESSAGE FROM THE HOUSE

May 6, 2004

MR. SPEAKER: I am directed to transmit House Joint Resolution No. 990. The House had its first reading on May 3, 2004, its second reading on May 5, 2004, its third reading on May 6, 2004 and was adopted on May 6, 2004.

BURNEY T. DURHAM,
Chief Clerk.

MESSAGE FROM THE HOUSE

May 5, 2004

MR. SPEAKER: I am directed to return to the Senate, Senate Bill No. 2931, substituted for House Bill on same subject and passed by the House.

BURNEY T. DURHAM,
Chief Clerk.

MESSAGE FROM THE HOUSE

May 5, 2004

MR. SPEAKER: I am directed to return to the Senate, Senate Bills Nos. 2263, 3215 and 3466; substituted for House Bills on same subjects and passed by the House.

BURNEY T. DURHAM,
Chief Clerk.

MESSAGE FROM THE HOUSE

May 5, 2004

MR. SPEAKER: I am directed to return to the Senate, Senate Bills Nos. 1539 and 2409, substituted for House Bills on same subjects and passed by the House.

BURNEY T. DURHAM,
Chief Clerk.

MESSAGE FROM THE HOUSE

May 5, 2004

MR. SPEAKER: I am directed to return to the Senate, Senate Bills Nos. 823, 1600 and 3257; substituted for House Bills on same subjects and passed by the House.

BURNEY T. DURHAM,
Chief Clerk.

MESSAGE FROM THE HOUSE

May 5, 2004

MR. SPEAKER: I am directed to return to the Senate, Senate Bill No. 243, substituted for House Bill on same subject and passed by the House.

BURNEY T. DURHAM,
Chief Clerk.

MESSAGE FROM THE HOUSE

May 6, 2004

MR. SPEAKER: I am directed to return to the Senate, Senate Bill No. 2325, substituted for House Bill on same subject and passed by the House.

BURNEY T. DURHAM,
Chief Clerk.

MESSAGE FROM THE HOUSE

May 6, 2004

MR. SPEAKER: I am directed to return to the Senate, Senate Bill No. 2616, substituted for House Bill on same subject and passed by the House.

BURNEY T. DURHAM,
Chief Clerk.

MESSAGE FROM THE HOUSE

May 6, 2004

MR. SPEAKER: I am directed to return to the Senate, Senate Bill No. 3008, substituted for House Bill on same subject and passed by the House.

BURNEY T. DURHAM,
Chief Clerk.

MESSAGE FROM THE HOUSE

May 6, 2004

MR. SPEAKER: I am directed to return to the Senate, Senate Bills Nos. 3235 and 3502, substituted for House Bills on same subjects and passed by the House.

BURNEY T. DURHAM,
Chief Clerk.

MESSAGE FROM THE HOUSE

May 6, 2004

MR. SPEAKER: I am directed to return to the Senate, Senate Bill No. 2207, substituted for House Bill on same subject and passed by the House.

BURNEY T. DURHAM,
Chief Clerk.

MESSAGE FROM THE HOUSE

May 5, 2004

MR. SPEAKER: I am directed to return Senate Bill No. 2119. The House lifted from the table the motion to reconsider Senate Bill No. 2119. The House reconsidered Senate Bill No. 2119. The House reconsidered Amendment No. 2, withdrew Amendment No. 2 and repassed Senate Bill No. 2119 on third and final consideration, as amended.

BURNEY T. DURHAM,
Chief Clerk.

MESSAGE FROM THE HOUSE

May 5, 2004

MR. SPEAKER: I am directed to return to the Senate, Senate Joint Resolution No. 746, concurred in by the House.

BURNEY T. DURHAM,
Chief Clerk.

MESSAGE FROM THE HOUSE

May 5, 2004

MR. SPEAKER: I am directed to return to the Senate, Senate Joint Resolutions Nos. 1026, 1027, 1028, 1029, 1030, 1042, 1044, 1073, 1074, 1075, 1076, 1077, 1078, 1079, 1080, 1081, 1082, 1083, 1084, 1085, 1086, 1087, 1088, 1089, 1090, 1091, 1092, 1093, 1094, 1095, 1096, 1097, 1098, 1099, 1100, 1101, 1102, 1103, 1104, 1105, 1106, 1107, 1108 and 1116; concurred in by the House.

BURNEY T. DURHAM,
Chief Clerk.

MESSAGE FROM THE HOUSE

May 6, 2004

MR. SPEAKER: I am directed to return to the Senate, Senate Joint Resolution No. 860, concurred in by the House.

BURNEY T. DURHAM,
Chief Clerk.

MESSAGE FROM THE HOUSE

May 6, 2004

MR. SPEAKER: I am directed to return to the Senate, Senate Joint Resolution No. 798, concurred in by the House.

BURNEY T. DURHAM,
Chief Clerk.

ENROLLED BILLS

May 6, 2004

MR. SPEAKER: Your Chief Engrossing Clerk begs leave to report that we have carefully compared Senate Joint Resolutions Nos. 746, 1026, 1027, 1028, 1029, 1030, 1042, 1044, 1073, 1074, 1075, 1076, 1077, 1078, 1079, 1080, 1081, 1082, 1083, 1084, 1085, 1086, 1087, 1088, 1089, 1090, 1091, 1092, 1093, 1094, 1095, 1096, 1097, 1098, 1099, 1100, 1101, 1102, 1103, 1104, 1105, 1106, 1107, 1108 and 1116; and find same correctly enrolled and ready for the signatures of the Speakers.

PATRICK W. MERKEL,
Chief Engrossing Clerk.

ENROLLED BILLS

May 6, 2004

MR. SPEAKER: Your Chief Engrossing Clerk begs leave to report that we have carefully compared Senate Resolutions Nos. 205, 206, 207, 208, 209, 210, 214, 215 and 216; and Senate Joint Resolutions Nos. 798 and 860; and find same correctly enrolled and ready for the signatures of the Speakers.

PATRICK W. MERKEL,
Chief Engrossing Clerk.

MESSAGE FROM THE HOUSE

May 5, 2004

MR. SPEAKER: I am directed to transmit to the Senate, House Joint Resolutions Nos. 816, 958, 966, 1026 and 1045; for the signature of the Speaker.

BURNEY T. DURHAM,
Chief Clerk.

MESSAGE FROM THE HOUSE

May 5, 2004

MR. SPEAKER: I am directed to transmit to the Senate, House Bills Nos. 1846, 2159, 2275, 2683, 2711, 3390, 3440 and 3501; for the signature of the Speaker.

BURNEY T. DURHAM,
Chief Clerk.

MESSAGE FROM THE HOUSE

May 7, 2004

MR. SPEAKER: I am directed to transmit to the Senate, House Joint Resolution No. 1141, for the signature of the Speaker.

BURNEY T. DURHAM,
Chief Clerk.

SIGNED

May 5, 2004

The Speaker announced that he had signed the following: House Joint Resolutions Nos. 816, 958, 966, 1026 and 1045.

SIGNED

May 5, 2004

The Speaker announced that he had signed the following: House Bills Nos. 1846, 2159, 2212, 2275, 2600, 2678, 2683, 2711, 2719, 2781, 2823, 3286, 3346, 3390, 3440, 3501 and 3510.

SIGNED

May 6, 2004

The Speaker announced that he had signed the following: Senate Joint Resolutions Nos. 746, 1026, 1027, 1028, 1029, 1030, 1042, 1044, 1073, 1074, 1075, 1076, 1077, 1078, 1079, 1080, 1081, 1082, 1083, 1084, 1085, 1086, 1087, 1088, 1089, 1090, 1091, 1092, 1093, 1094, 1095, 1096, 1097, 1098, 1099, 1100, 1101, 1102, 1103, 1104, 1105, 1106, 1107, 1108 and 1116.

SIGNED

May 7, 2004

The Speaker announced that he had signed the following: Senate Resolutions Nos. 205, 206, 207, 208, 209, 210, 214, 215 and 216; and Senate Joint Resolutions Nos. 798 and 860.

SIGNED
May 7, 2004

The Speaker announced that he had signed the following: House Joint Resolution No. 1141.

MESSAGE FROM THE HOUSE
May 5, 2004

MR. SPEAKER: I am directed to return to the Senate, Senate Bills Nos. 563, 1306, 2236, 2242, 2260, 2305, 2416, 2596, 2764, 3244, 3259 and 3496; signed by the Speaker.

BURNEY T. DURHAM,
Chief Clerk.

MESSAGE FROM THE HOUSE
May 6, 2004

MR. SPEAKER: I am directed to return to the Senate, Senate Joint Resolutions Nos. 746, 1026, 1027, 1028, 1029, 1030, 1042, 1044, 1073, 1074, 1075, 1076, 1077, 1078, 1079, 1080, 1081, 1082, 1083, 1084, 1085, 1086, 1087, 1088, 1089, 1090, 1091, 1092, 1093, 1094, 1095, 1096, 1097, 1098, 1099, 1100, 1101, 1102, 1103, 1104, 1105, 1106, 1107, 1108 and 1116; signed by the Speaker.

BURNEY T. DURHAM,
Chief Clerk.

MESSAGE FROM THE HOUSE
May 7, 2004

MR. SPEAKER: I am directed to return to the Senate, Senate Joint Resolutions Nos. 798 and 860, signed by the Speaker.

BURNEY T. DURHAM,
Chief Clerk.

REPORT OF CHIEF ENGROSSING CLERK
May 5, 2004

MR. SPEAKER: Your Chief Engrossing Clerk begs leave to report that we have transmitted to the Governor the following: Senate Bills Nos. 563, 1306, 2236, 2242, 2260, 2305, 2416, 2596, 2764, 3244, 3259 and 3496; for his action.

PATRICK W. MERKEL,
Chief Engrossing Clerk.

REPORT OF CHIEF ENGROSSING CLERK
May 6, 2004

MR. SPEAKER: Your Chief Engrossing Clerk begs leave to report that we have transmitted to the Governor the following: Senate Joint Resolutions Nos. 746, 1026, 1027, 1028, 1029, 1030,

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1042, 1044, 1073, 1074, 1075, 1076, 1077, 1078, 1079, 1080, 1081, 1082, 1083, 1084, 1085, 1086, 1087, 1088, 1089, 1090, 1091, 1092, 1093, 1094, 1095, 1096, 1097, 1098, 1099, 1100, 1101, 1102, 1103, 1104, 1105, 1106, 1107, 1108 and 1116; for his action.

PATRICK W. MERKEL,
Chief Engrossing Clerk.

REPORT OF CHIEF ENGROSSING CLERK

May 7, 2004

MR. SPEAKER: Your Chief Engrossing Clerk begs leave to report that we have transmitted to the Governor the following: Senate Joint Resolutions Nos. 798 and 860, for his action.

PATRICK W. MERKEL,
Chief Engrossing Clerk.

MESSAGE FROM THE GOVERNOR

May 5, 2004

MR. SPEAKER: I am directed by the Governor to return herewith: Senate Bills Nos. 2674, 3398, 3403, 3420 and 3458; and Senate Joint Resolutions Nos. 723, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1022, 1023 and 1061; with his approval.

ROBERT E. COOPER, JR.,
Counsel to the Governor.

**REPORT OF COMMITTEE ON CALENDAR
CONSENT CALENDAR #1**

MR. SPEAKER: Your Committee on Calendar begs leave to report that we have met and set the following bills on the calendar for Monday, May 10, 2004: House Joint Resolutions Nos. 1135, 1138, 1139, 1140, 1142, 1143, 1144, 1145, 1146, 1147, 1148, 1149, 1150, 1151, 1152, 1153, 1154, 1155, 1156, 1157, 1158, 1159, 1160, 1161, 1162, 1163, 1164, 1165, 1166, 1167, 1168, 1169, 1170, 1171, 1172, 1173, 1174, 1175, 1176, 1177, 1178, 1179, 1180, 1181, 1182, 1183, 1184, 1185, 1186, 1187, 1188, 1189, 1190, 1192, 1193, 1194, 1195, 1196, 1199, 1200, 1201, 1202, 1204, 1205 and 1206; Senate Joint Resolutions Nos. 1066, 1067, 1068, 1069, 1070, 1071, 1109, 1110, 1111, 1112, 1113, 1114, 1115, 1117, 1118, 1119 and 1120; and; Senate Resolution No. 213.

This the 6th day of May, 2004.
CROWE, Chairperson.

**REPORT OF COMMITTEE ON CALENDAR
CONSENT CALENDAR #2**

MR. SPEAKER: Your Committee on Calendar begs leave to report that we have met and set the following bills on the calendar for Monday, May 10, 2004: Senate Bills Nos. 2051, 2240, 2246, 2266, 2279, 2285, 2373, 2479, 2581, 2801, 2951, 2992, 3045, 3112, 3170, 3289, 3296 and 3460; and Senate Joint Resolutions Nos. 975 and 996.

This the 6th day of May, 2004.
CROWE, Chairperson.

THURSDAY, MAY 6, 2004 -- 87TH LEGISLATIVE DAY

**REPORT OF COMMITTEE ON CALENDAR
LOCAL BILL
CONSENT CALENDAR**

Pursuant to Rule 26, the following bills have been set on the Consent Calendar for Monday, May 10, 2004: Senate Bills Nos. 3505 and 3506.

REPORT OF COMMITTEE ON CALENDAR

MR. SPEAKER: Your Committee on Calendar begs leave to report that we have met and set the following bills on the calendar for Monday, May 10, 2004: Senate Joint Resolutions Nos. 800 and 887; Senate Bills Nos. 69, 126, 1083, 1566, 2060, 2077, 2273, 2291, 2318, 2364, 2419, 2423, 2452, 2602, 2630, 2693, 2785, 2866, 2966, 2979, 3073, 3225, 3274, 3317, 3380, 3409, 3412, 3419, 3430 and 3454; House Bills Nos. 1249, 2553 and 3544; Senate Bills Nos. 1152, 2090, 2152, 2391, 3099, 3336, 3394 and 3427; and Senate Resolution No. 158.

This the 6th day of May, 2004.
CROWE, Chairperson.

**SENATE
MESSAGE CALENDAR**

Pursuant to Rule 44, notice has been given on the following bills and they have been set on the Message Calendar for Monday, May 10, 2004: Senate Bills Nos. 348, 2300, 2329, 2667, 3120, 2346, 3371, 3258, 3359 and 3455.

ADJOURNMENT

Senator Crutchfield moved the Senate adjourn until 4:00 p.m., Monday, May 10, 2004, which motion prevailed.